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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BURR of North Carolina).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 18, 2000.

I hereby appoint the Honorable RICHARD BURR of North Carolina to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, in this our new day, reinforce the lines of our minds and set our hopes completely on the power that comes only from You and Your revelation.

Like obedient children, do not allow us to act in compliance that comes from former ignorance. Rather, redirect our minds and hearts to You and the architects of this Nation, for You have called us to serve Your people.

As our calling comes from One who loves us and is holy, so let us become holy in every aspect of our conduct. For it is written, ''Be holy because I am holy.''

You speak and we respond to You who lives now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CROWLEY 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. It is the Chair's intention to take up to 10 one-minute speeches on each side.

THE U.S. IS NOT THE WORLD'S POLICEMAN

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

Mr. GIBBONS. Mr. Speaker, I was pleased to learn earlier this week that the United Nations diplomats for the first time in 30 years, three decades, will finally reconsider the allocation of peacekeeping costs.

Mr. Speaker, it is about time. Currently 30 countries pay 98 percent of the U.N.'s peacekeeping budget, while 158 countries pay only 2 percent, regardless of their economic performance. In addition, it is the United States' share of nearly one-third of that cost of the United Nations peacekeeping overall budget that bothers most of us.

Since 1973, when payment proportions were established, the economies of many of the member nations have improved tremendously. Now these nations can afford to pay their fair share, but unfortunately they just do not want to.

Mr. Speaker, it is about time that the member nations pay their fair share of U.N. peacekeeping costs. The United States cannot afford nor should it be called upon to be the world's policeman and its banker.

I yield back once and for all the unfair U.N. peacekeeping payment system that has punished the U.S. and our taxpayers for too long.

CONDEMNING TREATMENT OF 13 IRANIAN JEWS

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

Mr. CROWLEY. Mr. Speaker, I rise today to condemn the actions of the Iranian government for their treatment of the 13 Iranian Jews they now hold. Numerous Members of this body and the international community have come forward to express their outrage at this travesty of justice, and I join them in their anger.

Mr. Speaker, these 13 Jews have been wrongly imprisoned. Some have even been forced to confess to imagined crimes.

When President Katami was elected in Iran, it was on a platform of moderation and reform supported by all the Iranian people. In response to his election, the United States made good will overtures toward Iran, including the lifting of sanctions on the import of Iranian foodstuffs like pistachios and carpets, as well as the easing of travel restrictions.

Yet, despite the rejection of hard-liners in the last election, the leaders in Iran are still on the wrong track. At a time when the United States has sought to improve relations with the Iranian people, the government of Iran must reciprocate and respect fundamental human rights and act as a responsible member of the world community. When travesties such as this trial continue, it should concern us about our policy towards Iran. The Iranian

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government must put an end to this travesty, free the 13 and leave them and their families to live in peace.

I urge my colleagues to speak out on this issue and cosponsor H. Con. Res. 307, expressing the sense of Congress regarding the ongoing prosecution and persecution of 13 members of the Iranian Jewish community.

IN SUPPORT OF PNTR WITH CHINA

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

Mr. TERRY. Mr. Speaker, there is no doubt in my mind that a negative vote on permanent normal trade relations will hinder the further democratization and human rights in China. We have a moral imperative to make China's trade permanent with us. If we truly care about improving human rights, the U.S. cannot seal off one-fourth of the world's population. To do so would ignore the ills we seek to remedy.

PNTR will not only benefit commerce between our two countries. It will also allow for cultural and religious exchanges. Ignoring China will not bring freedom for religious expression. It will not end China's cruel policy of limiting family size. It will not stop their horrific policy of forced abortions. Ignoring China will not bring about democracy. Isolating China will only separate our two countries even further and close off avenues necessary to improve human rights or establish religious freedom.

VOTE AGAINST ANTIMISSILE SYSTEM WILL SAVE TAXPAYERS BILLIONS

(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, today's edition of the New York Times on page A–21 has an article which I think would be very interesting to the Members of this House. The headline is ''Antimissile Systems Flaw Was Covered Up, Critic Says.''

Now, this House is due to vote on a defense authorization bill today, $2.2 billion of which will go for an antimissile defense system. This report in the New York Times claims that the Pentagon and its contractors have tried to hide failures that have shown up in the testing of this system where the system cannot distinguish between decoys and the real thing.

Now, this New York Times article points out there are allegations of fraud, there are allegations of a company faking antimissile tests and evaluations of computer programs, and that there is an elaborate hoax involved here.

Save the taxpayers $2.2 billion. Recommit this legislation. Do not vote for a hoax. Do not vote for fraud.

SSI FRAUGHT WITH WASTE, FRAUD AND ABUSE

(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, in the 1970s, the Federal Government created the SSI program to assist the elderly, the blind and the disabled. Since the 1970s, the program has become fraught with waste, fraud and abuse. Prisoners, illegal aliens and drug addicts all drain resources from this program. Saddest of all, parents are getting their children to lie in order to bilk SSI benefits from the government.

For example, two parents in Michigan had their children lie to doctors about their medical condition so they could receive $42,639 in SSI benefits per year. Meanwhile, they locked their children in the basement of their home, physically abused them and forced them to steal for them.

The Federal Government should not be subsidizing child abusers, especially with taxpayer moneys reserved for the elderly and the disabled. As we decide spending levels in our budget, let us also focus on eliminating waste, fraud and abuse from the Federal Government.

AMERICAN BORDERS WIDE OPEN

(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, there is no war on drugs or terrorism in America. There is a war on kids. There are more prisons, more police, more Federal agents, more drugs than ever. It is unbelievable.

The reason is very simple. Our borders are wide open. Wide open, ladies and gentlemen. Heroin and cocaine coming in by the ton, and a nuclear warhead can literally be smuggled across the border.

Beam me up. A nation that does not secure their borders is a nation without security. Today we can pass the Traficant amendment that does not mandate but allows the use of troops on the border.

I yield back Osama bin Laden someday perhaps at our border, and that is no joke.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, we can no longer sit back and watch as American children are being kept apart from their parents. As a father and a grandfather, I cannot imagine the pain these parents and families go through on a daily basis. Today I will tell the story of Montasir Imran Khan, who was abducted to Saudi Arabia by his father Imran Mohammed Khan.

Montasir was born in 1992, and when he was 5 years old he was taken by his father. His mother has had no contact with him and is not sure of his exact whereabouts. Montasir was issued a U.S. passport and it was used for travel on August 23, 1997. He and his father were confirmed on a flight from Seattle to London, and it is believed they traveled from there to Saudi Arabia. The father has a temporary residence there and had threatened to take Montasir to that country.

Unfortunately, international child abduction can happen to anyone's child, and this is the biggest reason why we all need to work together rather than bury our heads in the sand and ignore this issue.

Keeping children safe has become my mission while serving in the House of Representatives. Mr. Speaker, I challenge every one of my colleagues to join me and help bring our children home.

PRESCRIPTION DRUG COVERAGE FOR SENIORS

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

Mr. BARTLETT of Maryland. Mr. Speaker, America is the most prosperous Nation on Earth and yet some seniors are forced to choose between putting food on the 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.

□ 1015

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 needs.

Republicans have a voluntary plan to make prescription drug coverage affordable and available to American 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 American.

IRAN MUST END ABUSES OF HUMAN, CIVIL AND RELIGIOUS RIGHTS

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

Mr. MENENDEZ. Mr. Speaker, I rise today on behalf of the 13 innocent individuals who were arbitrarily arrested by the Iranian regime over one year ago solely because of their religious beliefs. The 13 are Jewish. In Iran that

means you can be arrested and detained without formal charges, denied bail and presumed guilty of spying, despite the absence of evidence or motive.

As some Members of Congress seek to engage the Iranian regime to permit business arrangements, I urge all of us to consider the fate of these 13 people. We need to send a message to the mullahs in Tehran that only when Iran honors the will of the majority of its people, stops building weapons of mass destruction and ends abuses of human civil and religious rights, will the United States again consider engaging Iran as a legitimate member of the diplomatic community and the global economy.

PROVIDING AFFORDABLE PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

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

Mr. BALLENGER. Mr. Speaker, Republicans believe that no Medicare beneficiary should have to choose between putting food on the table or purchasing the prescription drugs they need to live. Yet that is just what the poorest of American seniors are forced to do.

According to a 1996 study, there are 9.6 million Medicare recipients who do not have prescription drug coverage. Many of these individuals have incomes below $15,000 a year. They are struggling on fixed incomes and cannot afford pharmacy bills that can run several hundred dollars a month.

Republicans and Democrats need to set aside partisan politics and do the moral thing. We must work together to help the millions of Medicare recipients who cannot pay for their medication. By providing affordable prescription drug coverage for everyone, we want to make sure that no senior citizen or disabled American falls through the cracks.

ODE TO EARL

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

Mr. PRICE of North Carolina. Mr. Speaker, I was proud to note yesterday the quick thinking and bold action of our colleague, the gentleman from North Dakota (Mr. EARL POMEROY) when a threatening situation arose in the Committee on Agriculture, so I would like to this morning dedicate this Ode to EARL.

With a fellow named Earl in the room
You had better not act like a loon
Break bottles and cry
I'd much rather die
Burly Earl, he'll subdue you real soon.

In the hearing he caused quite a scene
This lunatic, he vented his spleen
Threatened cabinet and staff
Earl had him down like a calf
So the committee could then reconvene.

So if agriculture's your place
And danger you ever should face
Just throw caution to the wind
Burly Earl we will send
Let Pomeroy return you to grace.

PROTESTING WRONGFUL IMPRISONMENT OF 13 JEWS BY IRAN

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to add my voice to the many in protest of the wrongful imprisonment of the 13 Jews by the government of Iran on bogus charges of spying for the United States and Israel. The world community has unilaterally condemned this action by Iran, and our government and that of Israel have denied that these men were spies. Not only are the charges at best ludicrous, but should the 12 men and one teenager be found guilty, they will be executed.

Only yesterday, 8 of the 10 accused appeared before an Iranian judge and were coerced into a ''confession.'' They have been denied their own legal representation. However, the only crime that these brave souls are guilty of is their faith in the face of a regime that allows no practice of religion that runs counter to their's. These men of faith have held true to their religious beliefs in the face of threats against them by the Iranian government.

Mr. Speaker, I urge the government of Iran to release them, and further, I urge our government to apply serious pressure on this repressive government and to work with the Iranian opposition to help bring about real reform and democracy in Iran.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, someone at the Department of Education has a lot of explaining to do. A contract employee, who was hired by the department to take care of its telephone and computer needs, recently admitted to carrying out a criminal plot that cost the government more than $1 million.

The contractor illegally steered more than $300,000 worth of equipment to an Education Department employee who was overseeing his work. The supervisor got a 61-inch television, cordless telephones, compact disk players, walkie-talkies, desktop and laptop computers, printers, digital cameras, computer scanners and Palm Pilots.

In addition to diverting the merchandise, the contractor routinely performed errands for the employee, such as picking up her granddaughter from school, all on government time. In exchange for his work, the contractor and his coworker walked off with more than $600,000 in bogus overtime pay.

Good grief. Who is minding the store? The Department of Education gets my ''Porker of the Week'' Award.

MAKING SURE SENIORS GET AFFORDABLE PRESCRIPTION DRUG COVERAGE

(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, prescription drug coverage is an important issue for American seniors, and Republicans have a plan for those that need coverage to keep it and those who need it to get it.

This is in stark contrast to the President's plan. Democrats and the President willingly admit their plan will drive employers out of the market. To stop this, the Democrats bribe employers to keep the coverage they already offer. This just does not make sense. Rather than pay employers to do something they are already doing, I suggest we set the funds aside to actually get drug coverage to America's seniors. The Republican plan accomplishes that task.

Medicare beneficiaries deserve choices, not a one-size-fits-all program that wastes money. This Congress must take its responsibility seriously and make sure that seniors can get affordable prescription drugs when they need them. Now is the time.

CONGRATULATING SHERIFF CANTRELL OF SPALDING COUNTY, GEORGIA

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

Mr. COLLINS. Mr. Speaker, if you look in the gallery, you will see a number of students from Spalding County, Georgia. They are part of the Junior Deputy Program, which has brought students to Washington since the 1960s. Leading this delegation is Richard Cantrell, Sheriff of Spalding County.

Sheriff Cantrell has not only worked hard to uphold the law in Spalding County, he has also worked to make the county a better place to live by working with the Boy Scouts, the Girl Scouts, Junior Deputy Program, and assisting handicapped youth through the American business club.

Sheriff Cantrell's father was confined to a wheelchair because of wounds suffered in World War II. Nonetheless, his father played an active role in his son's life. Sheriff Cantrell calls him ''the most significant person in his life.''

Mr. Speaker, it is people like Sheriff Cantrell and his father who are true role models for our youth.

Sheriff Cantrell is retiring at the end of this year after 30 years in law enforcement. The people of Spaulding County will miss the services of Richard Cantrell as Sheriff, but I am sure he will continue aiding those who need

help and serving as a leader for our young people.

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

The SPEAKER pro tempore (Mr. COLLINS). 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.

□ 1024

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. BURR of North Carolina (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 on Wednesday, May 7, 2000, amendments en bloc printed in House Report 106–621 offered by the gentleman from South Carolina (Mr. SPENCE) had been disposed of.

It is now in order to consider Amendment No. 10 printed in House Report 106–621.

AMENDMENT NO. 10 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SANFORD:

At the end of title III (page 82, after line 14), insert the following new section:

SEC. ___. REPEAL OF AUTHORITY FOR LESS-THAN-FAIR-MARKET-VALUE TRANSFERS OF PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) PROVISIONS REPEALED.—Sections 381 and 2576a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576a.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I have an amendment that I think is in the best interests of the United States military, and I say that for many different reasons. But one of the reasons I would say that is that when the American taxpayer buys this helicopter, not this helicopter, but the model that it represents, this is a UH–68 Blackhawk Helicopter, is it runs somewhere between $8- and $10 million a copy. That is when they buy them.

Now, at the end of the cycle, when the Army is through using them, rather than selling the wheels or selling the motor or selling the frame or selling the whole thing, it is given away. It is given away to other pieces of the Federal Government, it is given away to State or local governments. I think that in this era, which has been talked about through the course of this debate, of scarce military dollars, the military needs every dollar they can have. Rather than continuing to give these dollars away, why does the military not keep it?

The origins ever the program behind giving this helicopter and other things away made a lot of sense 50 years ago, because in the wake of World War II we had all kinds of things out there. So the idea was let us give some of this stuff away.

What is interesting is by the Department of Defense's own estimates, roughly, approximately, $350 million a year gets given away through this program. Now, that is, if you assume that this helicopter is worth $1. If it is, in fact, worth $10, we are talking about $3.5 billion a year that is given away out of the back door of DOD to other agencies, State, local or Federal.

Now, to give you an idea of scale, the Law Enforcement Support Program takes 5,000 orders a day. It gives away, as I said, that amount of money. Over the last two years, they have given away, given away, 253 aircraft, including 6 and 7 passenger airplanes, Blackhawks, Hueys, MD–500s and Bell Jet Rangers. They have given away 7,800 M–16s, they have given away 181 grenade launchers, they have given away 1,161 pair of night vision goggles. That is a lot of things, and that is just part of the list.

To give you another idea of scale, the State and Local Law Enforcement Equipment Procurement Program sells at reduced prices a number of things within the DOD inventory. I went down their Web page. If you look on the Web page, you will find things like wristwatches, stopwatches, compasses, lubricating oil, commercial automobile oil, camping and hiking equipment.

The point of all that is to say this is not used stuff. It is not used, like the helicopter. It is brand new stuff that is still sitting in its case. It has market value. It could be sold at an open auction, and those dollars could be used by DOD for procurement and they could be used for training.

So I offer this amendment because it stops money from being siphoned off from defense. It, secondly, helps to create a clear budget. If we are to make good decisions in government, they rest on reality. Budgets have to show reality. Unfortunately, current budgets do not. What they do is they overstate the cost of defense, and they understate the cost of other Federal agencies, and understate the cost of state and local government.

The third reason I offer this amendment is because it is in the best interest of the taxpayer. That is why it is supported by the National Taxpayers Union, that is why it is supported by Citizens Against Government Waste. They do so because if something is given to you, you oftentimes treat it very differently than if you have to pay dearly for it.

To give you an idea of the kind of excesses that occur in this program, for instance, 60 Minutes did a special about 2 years ago about a small rural county in central Florida that, through this program, among other things, had been given 23 helicopters, an armored personnel carrier, and two C–12 airplanes. As it turned out, that county was using it as a revenue source.

□ 1030

They would keep the stuff for a couple of years and then they would sell it on the open market, making hundreds of thousands of dollars for that county.

If it is not used that way, frankly, it is used strangely. I went to a county in South Carolina where the chief of police was taking helicopter lessons in a helicopter that would run $1,500 an hour. It did not cost the county that much because they had been given the helicopter, but it did cost the taxpayer that much.

Another reason I offer this is if it is not used that way, the equipment sits idly by. I flew into a small county airport in South Carolina surrounded with a number of large Air Force and Navy airplanes, and I said to my brother, what is the trouble with these airplanes?

They were given to the county through this Federal program and, as he explained it, the county accepted it not because they had any use for it, the equipment had been sitting there for years, but because they could not afford not to take it since it was given away.

I think this amendment makes common sense. I would urge its adoption. It is about priorities.

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

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The gentleman from Virginia (Mr. BATEMAN) is recognized for 5 minutes.

Mr. BATEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I appreciate the fact that any program that any agency of government runs may have some abuses in it, and certainly the Committee on Armed Services would like to know where there are abuses and to be able to correct them.

Basically what this amendment does is to repeal two sections of the code which have proven extremely useful to law enforcement throughout America.

One section of the code that would be eliminated is a provision which allows local law enforcement agencies to buy equipment from the catalog list that is available to the Department of Defense and buy it at the prices that the Federal Government or the Department of Defense, through their purchasing power, can obtain at lower prices.

I, frankly, see no reason why we should deprive law enforcement agencies of the opportunity to acquire equipment that they need to fight crime at the lowest price and to have the Federal Government being involved in cooperating and making that possible.

The second aspect of the amendment would repeal a provision of the law that says that the Department of Defense can give to local law enforcement agencies surplus equipment that is no longer needed by the Department of Defense.

This has been a source for a great deal of equipment moving to law enforcement agencies, has been very helpful to them, and this provision has the strong support of law enforcement agencies and associations throughout the country, and certainly the amendment has the resounding opposition of those agencies.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding 2 minutes to me.

Mr. Chairman, I am very strongly committed to the proposition that we need to rebuild our defenses, that they have been built down way too far, and I am sympathetic to the concerns about saving money and doing that that the gentleman who offered this amendment proposes.

I also chair the Subcommittee on Crime in the House and I know that the programs he is trying to strike here are vital to the efforts of local law enforcement to be able to fight the drug war, to be able to do what they have to do in antiterrorism. I have been personally out in the field in numerous jurisdictions looking at things where the surplus properties were properties purchased because of the buying program that allows the volume to be purchased the gentleman from Virginia (Mr. BATEMAN) talked about that are in full use.

Principally, they are helicopters that they are acquiring in the excess surplus program so they can fly around and deal with the issue of locating marijuana growing areas or finding the bad guys or whatever.

The oil that the gentleman referred to is used to be able to have the oil for the airplanes for the most part. Maybe occasionally it is oil for their vehicles that they would not otherwise be able to do.

Sadly but truthfully, local law enforcement does not have the kind of resources allocated to it from the counties and the local government or the States that are required to be able to have this larger item, the helicopters in particular, and if they had to go out and buy that from scratch there simply would not be the kind of protection to the citizenry we need in law enforcement in the local communities. There would not be the helicopters flying around at night that many people see helping to deter crime and locating these narcotraffickers and others that are out there.

So I have to reluctantly, severely, oppose this amendment. Counties like Hernando and Lake in Florida, in particular, I think have recently acquired such products as this. Bulletproof vests, helmets, computers, other critically items when they are in surplus, should go to the local law enforcement community first.

I think they should go the right way at a lower cost or at no cost in certain cases, such as the helicopters, where they are in excess and we need them for the protection of our folks.

So I strongly oppose the amendment, and I urge my colleagues to vote no on it.

Mr. BATEMAN. Mr. Chairman, I yield the remaining minute of the time to the gentleman from Mississippi (Mr. TAYLOR).

The CHAIRMAN pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 1½ minutes.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding me this time.

Mr. Chairman, I take this opportunity to say that the National Sheriffs Association, the International Association of Chiefs of Police, the Airborne Law Enforcement Association all oppose the Sanford amendment, but I would also remind him that Charleston County is the beneficiary of this. They have received a helicopter, as has Greenville County, South Carolina; as has Lexington County, South Carolina; as has Saluda County; as has the South Carolina Law Enforcement Divisions.

Actually, this is a very good program. The taxpayers paid for these things. It makes sense that our underfunded cities and counties should be able to use them before some foreign country gets them. That is why we changed the law about 8 years ago to give the American taxpayer preference for these things. We should leave the law as it is.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would not dispute any of the things about this program of having great value to local law enforcement. The simple question I would ask is one of priorities.

It is one that I am trying to teach my young boys, and that is right now given what we have talked about in this debate, which is the scarcity of dollars in the Department of Defense, we simply have to set priorities. We cannot do both, and that is why I think these dollars ought to be retained within DOD.

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, we are talking about surplus equipment. The military has made the decision to surplus these things. I am not telling them to surplus it. Once they make that decision, the question is then should the American taxpayers get the benefit through their counties, through their cities, or should someone else?

The gentleman would deprive them of those benefits. I think that is a bad idea.

Mr. GOSS. Mr. Chairman, my concern with this amendment is quite simple: while well intentioned, I think it undermines our efforts in the war on drugs. This amendment would end the ability of State law enforcement agencies to purchase equipment needed specifically for the war on drugs and the fight against terrorism. While the phrase ''war on drugs'' tends to bring to mind images of jungles in Latin America, the reality is that it is fought everyday on our streets, in our schoolyards and playgrounds. Vivid proof of this came a few years ago in my southwest Florida district—the regional office of the Drug Enforcement Agency was blown up by individuals involved in drug trafficking. Allowing the Defense Department to sell appropriate surplus equipment to law enforcement agencies ensures they have the tools they need to counter this very real threat. I encourage my colleagues to reject the Sanford amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in strong opposition to the Sanford Amendment to H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. This amendment proposes to eliminate an important element of a federal cooperative purchasing program which allows state and local police departments to purchase supplies and services at superdiscounted federal prices.

In 1997, I worked with police departments in my own congressional district to promote participation in cooperative purchasing. Twelve of my district's sixteen police chiefs attended a workshop that I sponsored on the cooperative purchasing process. I sponsored this workshop because I view cooperative purchasing as an invaluable resource for police departments seeking to maximize their operations budgets. The ability to purchase supplies and services at superdiscounted federal prices makes for better equipped and more efficient police forces.

The elimination of cooperative purchasing would clearly be contrary to the interests of the tax payers not just in my own district, but across the country. Created in 1994, as a provision in the Federal Acquisition Streamlining Act (FASA), cooperative purchasing takes advantage of the federal government's purchasing power. As a large consumer of all kinds of goods and services, the federal government's procurement agency—the General Services Administration (GSA)—negotiates superdiscounted prices with the suppliers of these goods and services. Cooperative purchasing simply allows state and local police departments to purchase surplus items directly from the federal government at these superdiscounted prices. The result is millions and

millions of dollars in savings for our nation's taxpayers. To eliminate cooperative purchasing would be to eliminate these savings.

Cooperative purchasing has allowed state and local police departments around the nation to make meaningful cuts in their supply budgets. Some police departments have been able to cut their supply costs by 10 percent. Should we vote to eliminate cooperative purchasing, the American tax payer will be forced to pay a premium in order to properly equip the men and women who keep our nation's neighborhoods safe. The elimination of cooperative purchasing powers would represent yet another instance of special interests being promoted over the public interest.

I urge my fellow Members of Congress to vote against the Sanford Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

Mr. SANFORD. 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 South Carolina (Mr. SANFORD) will be postponed.

Mr. SPENCE. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oklahoma (Mr. LARGENT) for a colloquy.

Mr. LARGENT. Mr. Chairman, I had an amendment at the desk regarding section 2813 that I was going to offer, but after working with the Committee on Armed Services I have decided not to offer it.

My concern with section 2813 was the possibility that it could alter current law with respect to the military's ability to control utilities distribution facilities located on military bases.

The committee-adopted bill appeared to eliminate the Department of Defense's discretion to award privatization contracts based on competitive merit and instead shift the discretion to the State regulatory bodies.

I feared that the State regulatory authorities would have the opportunity to veto the Department of Defense's procurement decisions and direct DOD to award contracts to local incumbent utilities instead, thus opening the door for an unprecedented relinquishment of Federal contracting authority.

I also had concerns that this language might overly restrict the list of eligible bidders. The purpose of my amendment was to ensure that the Federal Government receives the maximum number of bids for those privatized facilities with a corresponding maximum amount of revenue to the Federal Government.

Mr. Chairman, I had an amendment at the desk that I was going to offer, but after working with the Committee on Armed Services I decided not to offer it.

I would like to enter into a colloquy, if I might, about section 2813, with the gentleman from Colorado (Mr. HEFLEY).

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

Mr. SPENCE. I yield to the gentleman from Colorado for a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. HEFLEY. Mr. Chairman, I would be happy to enter into a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

The gentleman from Colorado has been very gracious in agreeing to work with the interested Members, including members of the Committee on Commerce, on this provision as the bill proceeds through the legislative process. I am concerned that this provision, which allows for the privatization of utility systems on military bases as it is currently drafted, is overly broad in requiring compliance not only with State laws but also with State rulings and policies.

It is unclear to me how someone would comply with a State policy, and there is the strong possibility that some State agencies could use that language to develop policies that are not consistent with State law. I hope we can work together to fix this problem.

Mr. HEFLEY. I would say to the gentleman from Oklahoma (Mr. LARGENT), I have committed to work with him to make sure that the language is not overly broad. We do not intend for it to be overly broad. We do not intend for it to create inconsistencies with State law and regulation. I am happy to work with the gentleman on that.

Mr. LARGENT. I also am concerned that the provision only mentions State law and does not mention Federal law, and I hope that the provision can be modified to make it clear that purchasers of these systems have to comply with relevant Federal law, such as the Federal Power Act, as well as State law.

Mr. HEFLEY. I agree, and I would not want that unintended consequence either.

Mr. LARGENT. Finally, as the gentleman knows, we are very close to passing a bill to increase competition in the electric utility industry. I and several members of the Committee on Commerce are concerned that this language would have the unintended consequence of increasing the monopoly power of incumbent utilities in these areas. I hope the gentleman will work with concerned Members to make sure that these provisions are not used in a manner contrary to what we are trying to do with electricity restructuring legislation.

Mr. HEFLEY. I will work with the gentleman and other interested Members to make sure that we do not inadvertently put in place policies that may be contrary to what might be accomplished with the comprehensive electrical utility restructuring legislation.

I want to reiterate to the gentleman from Oklahoma (Mr. LARGENT) that it is the intent of the provision to level the playing field in the acquisition and maintenance of military utility infrastructure.

Section 2813 would require DOD's privatization initiative in this area to be conducted consistent with the Competition in Contracting Act. Moreover, we would require any awardee to conform to State regulations solely for the terms of that specific contract so that the same standards apply to infrastructure on both sides of the fence and that all parties to the competition for the contract are judged by the same standards.

I agree that competition will get the best result for DOD and for the taxpayer.

Mr. LARGENT. I appreciate the gentleman's willingness to work with me on this issue, and I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

Mr. RODRIGUEZ. Mr. Chairman, I oppose the intent of the Largent amendment.

The existing utility privatization statute is unclear and needs the clarification we added in Committee with bi-partisan support.

The Committee language ensures fair competition and helps guarantee the reliability of energy distribution to our military bases.

The amendment would create unregulated monopolies with unprecedented bargaining power that could hold bases and taxpayers hostage in contract renegotiations.

Default, abandonment or early termination by the unregulated entities could imperil reliability and impose huge costs on our bases.

The amendment would upset the process of utility deregulation; no state has deregulated distribution services.

As approved in Committee, unregulated utilities could still compete. They would simply be expected to comply with the same health, safety, reliability, and system standards which apply to every other energy distribution system in that state.

I urge my colleagues to reject this amendment and maintain the carefully drafted language approved by the Armed Services Committee.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 by the gentleman from Massachusetts (Mr. FRANK); amendment No. 3 by the gentleman from California (Mr. DREIER); amendment No. 4 by the gentleman from Minnesota (Mr. LUTHER); amendment No. 20 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 13 by the gentleman from Florida (Mr. STEARNS); and amendment No. 10 by the gentleman from South Carolina (Mr. SANFORD).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a

recorded vote on amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate 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.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 331, not voting 15, as follows:

[Roll No. 194]

AYES—88

Baldwin
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Brown (OH)
Capuano
Clay
Conyers
Coyne
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Duncan
Ehlers
Engel
Eshoo
Filner
Frank (MA)
Ganske
Gephardt
Green (TX)
Gutierrez
Hinchey
Hoekstra
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lewis (GA)
Lofgren
Lowey
Luther
McDermott
McGovern
McKinney
Meehan
Millender-McDonald
Miller, George
Minge
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Petri
Ramstad
Rangel
Rivers
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Sanford
Schakowsky
Sensenbrenner
Shays
Smith (MI)
Stark
Tierney
Towns
Udall (CO)
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—331

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—15

Barton
Campbell
Fattah
Fossella
Hoyer
Kaptur
Leach
Markey
Meek (FL)
Mollohan
Salmon
Slaughter
Stupak
Udall (NM)
Young (AK)

□ 1105

Mrs. CUBIN, and Messrs. BEREUTER, GORDON, DAVIS of Virginia and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Messrs. SHAYS, PAYNE, ENGEL, CONYERS and OBERSTAR changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 194 I was unable to vote. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 503, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DREIER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate 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.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 8, not voting 11, as follows:

[Roll No. 195]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia

Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—8

Ganske
Green (WI)
Hayworth
Hostettler
Hunter
Payne
Rothman
Taylor (MS)

NOT VOTING—11

Barton
Campbell
Hoyer
Kaptur
Leach
Meek (FL)
Mollohan
Salmon
Stupak
Udall (NM)
Young (AK)

□ 1113

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 195, I was unable to vote. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HOYER. Mr. Chairman, earlier today I attended a ceremony in Annapolis, Maryland, at which Governor Parris Glendening signed into law a bill creating the "Judith P. Hoyer Early Child Care and Education Enhancement Program." Because of my attendance at that ceremony, I was unable to vote on two amendments to H.R. 4205, the Defense authorization bill for fiscal year 2001. Had I had been present, I would have voted "no" on the amendment numbered 2 offered by the gentleman from Massachusetts (Mr. FRANK) (Roll No. 194). I would have voted "aye" on the amendment numbered 3 offered by the gentleman from California (Mr. DREIER) (Roll No. 195).

AMENDMENT NO. 4 OFFERED BY MR. LUTHER

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Minnesota (Mr. LUTHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTHER OF MINNESOTA

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 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $472,900,000.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 196]

AYES—112

Allen
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blumenauer
Bonior
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Conyers
Cummings
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Duncan
Ehlers
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hinchey
Hoekstra
Holt
Hooley
Jackson (IL)
Jones (OH)
Kind (WI)
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Stabenow
Stark
Strickland
Thompson (CA)
Tierney
Towns
Udall (CO)
Upton
Velazquez
Vento
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—313

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage

Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—9

Barton
Campbell
Hutchinson
Leach
Salmon
Stupak
Udall (NM)
Waters
Young (AK)

□ 1123

Mr. EVANS and Mr. BERMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 196 I was unable to vote. Had I been present, I would have voted ''no.''

AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on Amendment No. 20 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 20 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.''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 183, not voting 8, as follows:

[Roll No. 197]

AYES—243

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doyle
Duncan
Dunn
Emerson
Engel
English
Etheridge
Everett
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston

Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Ehlers
Ehrlich
Eshoo
Evans
Ewing
Farr
Fattah
Filner
Frank (MA)
Frost
Ganske
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hayes
Hayworth
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kleczka
Kolbe
Lampson
Lantos
Larson
Lee
Lewis (GA)
Linder
Lofgren
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (MI)
Snyder
Spratt
Stark
Stenholm
Stump
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Vitter
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Barton
Buyer
Campbell
Doolittle
Leach
Salmon
Stupak
Udall (NM)

□ 1132

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 197 I was unable to vote. Had I been present, I would have voted "aye."

AMENDMENT NO. 13 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate 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.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 198]

AYES—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel

Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Campbell
Delahunt
Leach
Pickett
Salmon
Slaughter
Stupak
Udall (NM)

☐ 1140

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SANFORD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 368, not voting 10, as follows:

[Roll No. 199]

AYES—56

Archer
Armey
Barrett (WI)
Cannon
Capuano
Chabot
Chenoweth-Hage
Coburn
Conyers
Cox
Crane
DeLay
DeMint
Ehlers
Foley
Ganske
Goodlatte
Greenwood
Hoekstra
Horn
Hostettler
Hunter
Johnson, Sam
Kasich
Kind (WI)
Kingston
Linder
McGovern
Miller (FL)
Minge
Northup
Obey
Packard
Paul
Ramstad
Rogan
Rohrabacher
Royce
Ryan (WI)
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherman
Smith (MI)
Stark
Stearns
Sununu
Tancredo
Tiahrt
Toomey
Upton
Vento
Vitter
Wu

NOES—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Delahunt
Leach
Maloney (NY)
Metcalf
Peterson (MN)
Salmon
Stupak
Udall (NM)
Weller

☐ 1149

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All amendments made in order under House Resolution 503 have been disposed of.

Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. BURR of North Carolina, 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.

PROVIDING FOR FURTHER 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 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 504

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 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.

SEC. 2. (a) No further 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 and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 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. 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 each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. 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. 4. 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. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule to provide for further consideration of H.R. 4205, the fiscal year 2001 Department of Defense Authorization Act. The rule provides that no further amendment to the committee amendment in the nature of a substitute be in order, except those printed in the Committee on Rules 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 division of the question in the House or Committee of the Whole.

The rule provides that each amendment printed in the report shall be debatable for the time specified and equally divided and controlled by the proponent and 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 votes on amendments 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 for one motion to recommit, with or without instructions.

Mr. Speaker, this is rule number 2 for H.R. 4205. Yesterday and this morning, under rule number 1, we debated 35 amendments to the bill. Today we will consider another seven. In the end, out of 102 amendments submitted to the Committee on Rules, the House will consider 42.

Today's rule provides for a full and fair debate on several controversial issues. I will vote against many of these amendments, but it is important that the House is able to work its will on issues such as abortion on military bases, the School of the Americas, and health care for our military retirees.

Mr. Speaker, H.R. 4205 is a good bill, it is a bipartisan bill. At long last, we are taking care of our men and women in uniform, we are getting them off of food stamps and out of substandard housing, and we are giving them tools to win on the battlefield, and I believe this is the right thing for America.

I urge my colleagues to support this rule and to support the underlying bill. 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, I rise in reluctant opposition to this rule. The authorization for the programs and activities of the Department of Defense is one of the most important legislative proposals we will have under consideration during the course of this year.

This legislation dictates the policies we as a Congress want to set for the defense of our great Nation and authorizes $309 billion to carry them out. A bill of this scope and magnitude deserves to be fully debated so that all points of view can be expressed and heard. Yet, Mr. Speaker, the Republican majority in the House has denied the Members of this body just that opportunity. A total of 102 amendments were submitted to the Committee on Rules, yet, with this rule now under consideration, less than one-half of that number will be heard.

□ 1200

In addition, one of the most important policy issues relating to medical care for military retirees has not been fully addressed and a new amendment on the issue, an amendment that was not even filed with the committee, as was required of every other amendment, has been made in order in this rule.

Mr. Speaker, shortchanging our military retirees to achieve short-term political gain is nothing more than a cheap trick. The committee went part of the way to solving this issue by making in order the Taylor amendment, but it did not make in order the more comprehensive Shows amendment.

Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) has, since he came to Congress, been working diligently to fashion legislation that will provide meaningful healthcare for our military retirees. He has introduced legislation that would fulfill a promise that has been made to every member of the armed services: Stay in 20 years and they will receive healthcare for the rest of their life.

Mr. Speaker, 298 Members of this body have cosponsored the gentleman's bill. Yet the Committee on Rules on a straight party line vote last night denied the gentleman from Mississippi (Mr. SHOWS) the opportunity to offer his amendment.

Fortunately, the Committee on Rules has allowed the gentleman from Mississippi (Mr. TAYLOR) to offer his amendment, which expands and makes permanent the TRICARE senior prime program, or Medicare subvention. The Taylor amendment would make permanent a program which allows Medicare eligible retirees to use military hospitals for their Medicare care and would extend the program nationwide.

The Taylor amendment is a very good amendment and should be adopted by the House. The Taylor amendment

has been endorsed by a number of organizations, including the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

Yet the Republican majority has made in order a substitute to the Taylor amendment, a substitute that can be described as nothing more than a poison pill. The Republican majority has deliberately set out to deny the House the right to fulfill a promise made long ago to those men and women who served faithfully and honorably for 20 years or more in our Nation's armed services.

Mr. Speaker, it is a sad day when the Republican leadership in this House will not allow its Members to do the right thing. It is a sad day when the Republican leadership denies the House the right to vote on a proposal, which has overwhelming support of Members of both parties, for purely politically partisan reason. It is a sad day when the Republican leadership knows its own position is so politically indefensible that it will not even allow an up or down vote on a valuable and worthy proposal like the Taylor amendment.

Mr. Speaker, this rule is deficient also because it has failed to make in order an amendment by the gentlewoman from New York (Mrs. MCCARTHY). The McCarthy amendment strikes a provision in the bill which allows the Department of Defense to do business with firearms manufacturers and vendors who have not been party to a code of conduct agreement.

This is an amendment that is worthy of consideration in the House and it should be made a part of this rule.

Mr. Speaker, it is my intention to oppose ordering the previous question on this resolution. The fact that the Shows amendment has not been made in order in the rule and the fact that the rule makes in order a poison pill substitute to the Taylor amendment, the fact that a number of other worthy amendments, such as the McCarthy amendment, were not even given the time of day by the Republican majority, are reasons enough to oppose the previous question and the rule.

Mr. Speaker, the Republican majority is shortchanging this bill by limiting debate on issues it addresses. The authorization for the Department of Defense is the single largest authorization we will consider this year. Yet the majority has seen fit to address less than half of the amendments offered to be considered by this House.

Mr. Speaker, Members should reject this rule and allow the House to debate fully the many important policy issues that the Republican leadership will not allow us to consider.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and wish to take this time to engage the gentleman from Pennsylvania (Mr. WELDON) in a colloquy.

I would say to the gentleman from Pennsylvania (Mr. WELDON), the Navy theater-wide missile defense program is an important component of our Nation's defense against the threat of ballistic missiles targeted against the United States and against our Armed Forces and allies overseas.

Last year the Congress provided an additional $50 million for a continuation of Navy's competitive development of the advanced radars for theater missile defense, as well as providing funds for the development of the multiyear, multifunction radar and volume search radar for fleet air defense and surveillance.

The committee's report on the fiscal year 2001 national defense authorization notes that the Navy is considering an X-band radar high power discriminator and modifications to the current SPY–1 radar to meet ballistic missile defense radar needs for Navy theater-wide and recommends an additional $10 million for development of an alternative advanced radar technology for the 2010 time frame.

The report also expresses the committee's concern that the Navy theater-wide defense deployment schedule is inadequate to meet the expected threats and is inadequately funded.

In addition, the Senate Committee on Armed Services report on the fiscal year 2001 defense authorization does not add funds for additional radar development and if adopted by the Senate in its present form will establish an issue that will need to be resolved in this year's House-Senate conference on the Fiscal Year 2001 National Defense Authorization Act.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania, the chairman of the Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman is correct. The House committee's report states that major ballistic missile defense programs such as Navy theater-wide are not adequately funded throughout the future years' defense program to achieve timely operational capability.

The committee places a high priority on the ballistic missile defense program and urges the Department of Defense to commit the funds necessary to achieving timely deployment of systems that will defeat current and future ballistic missile defense threats.

The committee also notes that the interim report on the surface Navy radar road map study recently submitted to the Congress states that a series of time-phased radar development decisions must be made to support varying surface ship acquisitions, including requirements for SPY–1 radar upgrades for the near-term Navy theater-wide Block I and investment in technologies for mid- and long-term needs for Navy theater-wide Block II.

The committee report states that a clearly defined and funded radar road map is necessary to ensure the necessary upgrade to Legacy radar systems and the development of new radar systems and also states that the expectation of the Navy's approved radar program will be incorporated in the fiscal year 2002 budget requirement.

Having said that, I will be happy to work with the gentleman during the defense authorization conference to ensure development of advanced technologies and specifically fight for $15 million in additional funding for Navy theater-wide missile defense programs.

Mr. SAXTON. I thank the gentleman and look forward to working with him to provide the ballistic missile defense required to protect our armed services and our Nation.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

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

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time, and I thank him so much and appreciate him taking up for my bill.

Mr. Speaker, I rise today to express my strong opposition to this rule and, frankly, my concern about our military retirees. Today, millions of Americans are prisoners of war, POWs right here in America. These POWs are our American military retirees and their families, and they are being held prisoners by politics.

I have offered an amendment to the defense bill that is identical to the Shows-Norwood Keep Our Promise to America's Military Retirees bill, H.R. 3573, which has 298 cosponsors in this House; 298 Members of the United States Congress have cosponsored this bill because thousands upon thousands of military retirees have mobilized in an effort in saying their healthcare is inadequate, saying they served their country faithfully; they earned their healthcare that was promised them; and saying H.R. 3573 is the answer.

Now legislative rules and decisions are failing our military retirees. It harms our military and continues to break the promise of earned healthcare for those who have committed their lives to the defense of this country.

It can be called whatever it will, bipartisanship, nonpartisanship, but I call it America doing the right thing.

Our military retirees stood for democracy during World War II. My father was one of them. Korea, Vietnam, Desert Storm and Bosnia. Now they suffer under poor healthcare and today they are prisoners of war being held hostage by the political games.

These men and women deserve not political games but, rather, nonpartisan courage.

The large number of cosponsors are a reflection of the tremendous grassroots support for Keep Our Promise Act.

Mr. Speaker, military retirees do not need more test programs or commissions to tell them what they already know. The military healthcare system does not work. We do not need to establish a road map, Mr. Speaker, because military retirees have been down that road for years. Thousands of military retirees and veterans die every month while Congress spins its wheels agonizing over the problem. Extending test programs and establishing yet another commission for 4 years will not get healthcare to retirees who need it.

Mr. Speaker, I know many of my colleagues have suffered what we call sticker shock over the projected cost of my bill, but we have bent over backwards to make Keep Our Promise Act cost effective by adding language that cuts the projected cost by more than half. So surely the cost of the bill cannot be the problem.

Mr. Speaker, some of my colleagues believe we just do not have the funds to pay for the Promise bill, but just last week our own CBO office identified a $40 billion super surplus, money under the mattress. So it cannot be the funding issue that troubles the committee.

Oppose the rule. Let us be honest with the American people. Let us do the honorable thing for our military heroes. Our military retirees deserve nothing less. Our military retirees should never be prisoners of war due to political games in their own country.

Oppose this rule. Any of my colleagues who are one of the 298 cosponsors of H.R. 3573, a vote for the rule would not make sense, and I will include in the RECORD, following my remarks, a list of the cosponsors of H.R. 3573.

Mr. Speaker, let us move forward and vote on the Keep Our Promise Act.

H.R. 3573 COSPONSORS

AUTHOR

Shows, Ronnie—D–MS

296 COSPONSORS THRU 5–16–00

Norwood, Charlie—R–GA, coauth
Aderholt, Robert B.—R–AL
Allen, Thomas H.—D–ME
Andrews, Robert E.—D–NJ
Baca, Joe—D–CA
Bachus, Spencer—R–AL
Baird, Brian—D–WA
Baldacci, John Elias—D–ME
Baldwin, Tammy—D–WI
Barcia, James A.—D–MI
Barr, Bob—R–GA
Bass, Charles F.—R–NH
Becerra, Xavier—D–CA
Berkley, Shelley—D–NV
Berman, Howard L.—D–CA
Berry, Marion—D–AR
Biggert, Judy—R–IL
Bilbray, Brian, P.—R–CA
Bilirakis, Michael—R–FL
Bishop, Sanford D., Jr.—D–GA
Blagojevich, Rod R.—D–IL
Blunt, Roy—R–MO
Boehlert, Sherwood L.—R–NY
Bonilla, Henry—R–TX
Bonior, David E.—D–MI
Bono, Mary—R–CA
Boucher, Rick—D–VA
Brady, Robert A.—D–PA
Brown, Corrine—D–FL
Brown, Sherrod—D–OH
Bryant, Ed—R–TN
Burr, Richard—R–NC
Burton, Dan—R–IN
Callahan, Sonny—R–AL
Calvert, Ken—R–CA
Camp, Dave—R–MI
Canady, Charles T.—R–FL
Cannon, Chris—R–UT
Capps, Lois—D–CA
Capuano, Michael E.—D–MA
Carson, Julia—D–IN
Chambliss, Saxby—R–GA
Chenoweth-Hage, Helen—R–ID
Christensen, Donna M.C.—D–VI
Clayton, Eva M.—D–NC
Clement, Bob—D–TN
Clyburn, James E—D–SC
Coburn, Tom A.—R–OK
Collins, Mac—R–GA
Condit, Gary A.—D–CA
Conyers, John, Jr.—D–MI
Cook, Merrill—R–UT
Cooksey, John—R–LA
Costello, Jerry F.—D–IL
Coyne, William J.—D–PA
Cramer, Robert (Bud), Jr.—D–AL
Cummings, Elijah E.—D–MD
Cunningham, Randy Duke—R–CA
Danner, Pat—D–MO
Davis, Danny K.—D–IL
Davis, Thomas M.—R–VA
Deal, Nathan—R–GA
DeFazio, Peter A.—D–OR
DeGette, Diana—D–CO
Delahunt, William D.—D–MA
DeLauro, Rosa L.—D–CT
Deutsch, Peter—D–FL
Diaz-Balart, Lincoln—R–FL
Dickey, Jay—R–AR
Dicks, Norman D.—D–WA
Dingell, John D.—D–MI
Dixon, Julian C.—D–CA
Doolittle, John T.—R–CA
Doyle, Michael F.—D–PA
Duncan, John J., Jr.—R–TN
Dunn, Jennifer—R–WA
Edwards, Chet—D–TX
Ehrlich, Robert L., Jr.—R–MD
Emerson, Jo Ann—R–MO
Engel, Eliot L.—R–NY
English, Phil—R–PA
Eshoo, Anna G.—D–CA
Etheridge, Bob—D–NC
Evans, Lane—D–IL
Everett, Terry—R–AL
Faleomavaega, Eni F.H.—D–AS
Farr, Sam—D–CA
Fattah, Chaka—D–PA
Filner, Bob—D–CA
Fletcher, Ernie—R–KY
Foley, Mark—R–FL
Forbes, Michael P.—D–NY
Ford, Harold E., Jr.—D–TN
Fowler, Tillie K.—R–FL
Frank, Barney—D–MA
Franks, Bob—R–NJ
Frost, Martin—D–TX
Gallegly, Elton—R–CA
Gejdenson, Sam—D–CT
Gephardt, Richard A.—D–MO
Gibbons, Jim—R–NV
Gilchrest, Wayne T.—R–MD
Gillmor, Paul E.—R–OH
Gilman, Benjamin A.—R–NY
Gonzalez, Charles A.—D–TX
Goode, Virgil H., Jr.—I–VA
Goodling, William F.—R–PA
Gordon, Bart—D–TN
Graham, Lindsey O.—R–SC
Granger, Kay—R–TX
Green, Gene—D–TX
Green, Mark—R–WI
Greenwood, James C.—R–PA
Gutierrez, Luis V.—D–IL
Hall, Tony P.—D–OH
Hall, Ralph M.—D–TX
Hansen, James V.—R–UT
Hastings, Alcee L.—D–FL
Hastings, Doc—R–WA
Hayes, Robin—R–NC
Hayworth, J.D.—R–AZ
Herger, Wally—R–CA
Hill, Rick—R–MT
Hilleary, Van—R–TN
Hilliard, Earl F.—D–AL
Hinchey, Maurice D.—D–NY
Hinojosa, Ruben—D–TX
Hoeffel, Joseph M.—D–PA
Holden, Tim—D.–PA
Holt, Rush D.—D–NJ
Hooley, Darlene—D–OR
Horn, Stephen—R–CA
Hoyer, Steny H.—D–MD
Hunter, Duncan—R–CA
Hutchinson, Asa—R–AR
Hyde, Henry J.—R–IL
Inslee, Jay—D–WA
Isakson, Johnny—R–GA
Istook, Ernest J., Jr.—R–OK
Jackson, Jesse L., Jr.—D–IL
Jackson-Lee, Sheila—D–TX
Jefferson, William J.—D–LA
Jenkins, William L.—R–TN
John, Christopher—D–LA
Johnson, Eddie Bernice—D–TX
Johnson, Sam—R–TX
Jones, Stephanie Tubbs—D–OH
Jones, Walter B.—R–NC
Kanjorski, Paul E.—D–PA
Kaptur, Marcy—D–OH
Kelly, Sue—R–NY
Kennedy, Patrick J.—D–RI
Kildee, Dale E.—D–MI
Kilpatrick, Carolyn C.—D–MI
Kind, Ron—D–WI
Kingston, Jack—R–GA
Klink, Ron—D–PA
Kucinich, Dennis J.—D–OH
Kuykendall, Steven T.—R–CA
LaFalce, John J.—D–NY
LaHood, Ray—R–IL
Lampson, Nick—D–TX
Lantos, Tom—D–CA
LaTourette, Steven C.—R–OH
Lee, Barbara—D–CA
Lewis, John—D–GA
Lewis, Ron—R–KY
Linder, John—R–GA
Lipinski, William O.—D–IL
LoBiondo, Frank A.—R–NJ
Lofgren, Zoe—D–CA
Lucas, Frank D.—R–OK
Lucas, Ken—D–KY
Maloney, Carolyn B.—D–NY
Manzullo, Donald A.—R–IL
Martinez, Matthew G.—D–CA
Mascara, Frank—D–PA
Matsui, Robert T.—D–CA
McCarthy, Carolyn—D–NY
McCollum, Bill—R–FL
McDermott, Jim—D–WA
McGovern, James P.—D–MA
McHugh, John M.—R–NY
McIntosh, David M.—R–IN
McIntyre, Mike—D–NC
McKeon, Howard ''Buck''—R–CA
McKinney, Cynthia A.—D–GA
McNulty, Michael R.—D–NY
Meehan, Martin T.—D–MA
Meek, Carrie P.—D–FL
Meeks, Gregory W.—D–NY
Metcalf, Jack—R–WA
Mica, John L.—R–FL
Millender-McDonald, J.—D–CA
Miller, George—D–CA
Moakley, John Joseph—D–MA
Mollohan, Alan B.—D–WV
Moran, James P.—D–VA
Moran, Jerry—R–KS

Morella, Constance A.—R–MD
Murtha, John P.—D–PA
Napolitano, Grace F.—D–CA
Neal, Richard E.—D–MA
Nethercutt, George R., Jr.—R–WA
Ney, Robert W.—R–OH
Norton, Eleanor Holmes—D–DC
Oberstar, James L.—D–MN
Olver, John W.—D–MA
Ortiz, Solomon P.—D–TX
Owens, Major R.—D–NY
Oxley, Michael G.—R–OH
Pallone, Frank, Jr.—D–NJ
Pascrell, Bill, Jr.—D–NJ
Pastor, Ed—D–AZ
Paul, Ron—R–TX
Payne, Donald M.—D–NJ
Pelosi, Nancy—D–CA
Peterson, Collin C.—D–MN
Peterson, John E.—R–PA
Phelps, David D.—D–IL
Pickering, Charles ''Chip''—R–MS
Pombo, Richard W.—R–CA
Pomeroy, Earl—D–ND
Price, David E.—D–NC
Quinn, Jack—R–NY
Radanovich, George—R–CA
Rahall, Nick, J. II—D–WV
Riley, Bob—R–AL
Rivers, Lynn N.—D–MI
Rodriguez, Ciro D.—D–TX
Rogan, James E.—R–CA
Rohrabacher, Dana—R–CA
Romero-Barcelo, Carlos—D–PR
Rothman, Steven R.—D–NJ
Roukema, Marge—R–NJ
Roybal-Allard, Lucille—D–CA
Rush, Bobby L.—D–IL
Ryan, Paul—R–WI
Sanchez, Loretta—D–CA
Sanders, Bernard—I–VT
Sandlin, Max—D–TX
Saxton, Jim—R–NJ
Scarborough, Joe—R–FL
Schaffer, Bob—R–CO
Schakowsky, Janice D.—D–IL
Scott, Robert C.—D–VA
Sessions, Pete—R–TX
Shaw, E. Clay, Jr.—R–FL
Sherwood, Don—R–PA
Slaughter, Louise M.—D–NY
Smith, Adam—D–WA
Smith, Christopher H.—R–NJ
Smith, Lamar S.—R–TX
Souder, Mark E.—R–IN
Spence, Floyd—R–SC
Stabenow, Debbie—D–MI
Stearns, Cliff—R–FL
Strickland, Ted—D–OH
Stupak, Bart—D–MI
Sununu, John E.—R–NH
Sweeney, John E.—R–NY
Talent, James M.—R–MO
Tanner, John S.—D–TN
Taylor, Charles H.—R–NC
Taylor, Gene—D–MS
Terry, Lee—R–NE
Thompson, Bennie G.—D–MS
Thompson, Mike—D–CA
Thune, John R.—R–SD
Thurman, Karen L.—D–FL
Tierney, John F.—D–MA
Toomey, Patrick J.—R–PA
Towns, Edolphus—D–NY
Traficant, James A., Jr.—D–OH
Udall, Mark—D–CO
Udall, Tom—D–NM
Upton, Fred—R–MI
Vitter, David—R–LA
Walden, Greg—R–OR
Walsh, James T.—R–NY
Wamp, Zach—T–TN
Watkins, Wes—R–OK
Watt, Melvin L.—D–NC
Watts, J. C., Jr.—R–OK
Weiner, Anthony D.—D–NY
Weldon, Dave—R–FL
Wexler, Robert—D–FL
Weygand, Robert A.—D–RI
Whitfield, Ed—R–KY
Wicker, Roger F.—R–MS
Wilson, Heather—R–NM
Wise, Robert E., Jr.—D–WV
Wolf, Frank R.—R–VA
Woolsey, Lynn C.—D–CA
Wu, David—D–OR
Wynn, Albert Russell—D–MD
Young, Don—R–AK

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

Mr. Speaker, what I would like to do is politely respond to the gentleman from Mississippi (Mr. SHOWS) and agree with him that we must provide adequate healthcare for our Nation's retirees. However, the Committee on Rules with this rule has worked to ensure that our Nation adequately takes care of and lives up to its promises to the service men and women.

We have allowed the House to consider amendments that would both expand the current Medicare pilot program and to create a permanent program, and those votes will be allowed today.

This is about the rule, the rule to make sure that we have dealt fairly with everyone to allow this debate, and that is what this is for and that is why I am proud of what we are doing.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this rule. It is well crafted and well focused and will bring about much important debate on our national security.

Mr. Speaker, when we talk about our national defense, we must all remember that our national security is multifaceted. It is not solely built and maintained by our military soldiers, sailors, airmen and Marines. We must also recognize those citizen veterans of the Cold War who served our country by building and testing the American strategic arsenal of democracy.

Although we cannot give these individuals a Purple Heart for their injuries, I, along with some of my colleagues, have been diligently working on a comprehensive compensation program for these injured workers.

During our committee markup of this bill, I offered just such an amendment to establish such a comprehensive worker's compensation program but, unfortunately, the complex committee jurisdictional programs forced its withdrawal. I did, however, get commitments of support from the chairman of the full committee and the Subcommittee on Military Procurement for introduction of such a piece of legislation.

In light of this support I, along with my colleagues, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Tennessee (Mr. WAMP) and the gentleman from Colorado (Mr. UDALL) have offered our bipartisan sense of Congress amendment, and I want to thank the Republican leadership and my friend, the gentleman from Texas (Mr. SESSIONS), as well as the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, for this rule, which makes this amendment in order and allows for that much-needed debate on the issue.

Mr. Speaker, contrary to the arguments of those who simply want to jump on the bandwagon and then immediately demand to steer, this sense of Congress amendment will provide the necessary momentum to get this vital compensation program actually enacted into law.

□ 1215

Again, I support this rule, and I urge all Members to support the rule and our amendment, which issues a clarion call for swift action on a comprehensive Department of Energy injured worker compensation program.

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

Mr. SPRATT. Mr. Speaker, I would like to engage the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, in a colloquy.

Mr. Speaker, I thank the chairman for his leadership in bringing this legislation to the House floor once again, H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. It is a good bill, and all the better because of the title it bears. I supported it in the committee, and I am proud to support it here on the floor.

I would like to take just a moment and ask the chairman about a provision in the bill on which we have collaborated in the past and which the gentleman helped reauthorize this year. That is Section 807 in title VIII of the bill.

It is my understanding that this section simply removes the sunset date of October 1, 2000, for existing statutory rules that apply to the procurement of ball and roller bearings.

Mr. Speaker, I ask the gentleman, do the changes made to existing U.S. law by H.R. 4205 mean that the limits on procurement of non-U.S. bearings will continue to have the effect of law?

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

Mr. SPRATT. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I would tell the gentleman, yes, that is correct. H.R. 4205 simply removes the sunset date for the rules on the procurement of non-U.S. ball and roller bearings. Bearings remain among the items specified in title X, section 2534, as being subject to the requirements of that section.

Mr. SPRATT. I thank the gentleman for that clarification.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. This rule is unfair because it prohibits floor debate on my amendment that would strike Section 810 of the defense authorization bill. This section singles out firearms and ammunition manufacturers, but it may extend to other contractors.

It says that the Department of Defense cannot give procurement preferences to companies that enter into the agreements with the Federal government. Currently, one firearms manufacturer has entered into an agreement with the Department of Housing and Urban Development that establishes a code of conduct.

This is precedent-setting language that would prevent the armed services from getting the best equipment.

This language says to Smith & Wesson and other contractors that if you have an agreement that seeks to accomplish one goal, then that limits you from doing business with the Department of Defense.

If Smith and Wesson and the armed services lose, then who wins? The NRA, according to today's Wall Street Journal. Mr. Speaker, I include for the RECORD this article from the Wall Street Journal.

The article referred to is as follows:

[From the Wall Street Journal, May 18, 2000]

GOP FIGHTS FAVORS FOR SMITH & WESSON

(By Jim VandeHei and Paul M. Barrett)

WASHINGTON—House Republicans, as part of an effort to undermine President Clinton's weapons pact with Smith & Wesson Corp., are trying to prevent the government from favoring the company with new gun contracts.

Rep. John Hostettler, a pro-gun conservative from Indiana, inserted language into the Defense Department authorization bill forbidding the administration from requiring the department to buy Smith & Wesson guns.

With the blessing of GOP leaders, Mr. Hostettler and his pro-gun allies now want to stamp similar restrictions on three more federal agencies: the Departments of Treasury, Justice and Housing and Urban Development.

They are also working to suspend funding for a federal commission Mr. Clinton created to implement his landmark agreement with the gun maker.

''We don't want agencies playing politics more than they already are,'' says Oklahoma Rep. J.C. Watts, the fourth-ranking GOP leader. ''This should be a fair and open competition.''

''This is the gun lobby flexing its muscle on Capitol Hill,'' says Dennis Henigan, the top lawyer with Handgun Control Inc., a Washington advocacy group.

Smith & Wesson, a unit of Britain's Tomkins PLC, has agreed to go far beyond existing law in requiring new restrictions on how retailers sell its guns and to develop a high-tech ''smart'' weapon that can only be fired by its owner, among other steps. In return, the Clinton administration and some states and municipalities have agreed to drop Smith & Wesson from threatened or pending lawsuits.

The Clinton administration is also trying to organize a drive by government at all levels to give Smith & Wesson favorable treatment when deciding which company will supply handguns to police and other agencies.

While Mr. Clinton hopes this carrot will entice other gun manufacturers to impose new safety measures voluntarily, at the federal level, it isn't clear whether existing contracting rules would allow the administration to force agencies to favor Smith & Wesson.

The Federal Government spends millions of dollars a year on new handguns—a tiny fraction of the federal budget, but a significant amount to gun manufacturers, which are all relatively small companies. The vast bulk of handgun purchasing is done by local police departments across the country.

The concessions by Smith & Wesson provoked an outcry from the National Rifle Association and gun retailers, some of whom vowed to quit selling the company's products. Republican leaders believe the deal will ''unravel'' if the Federal Government is prevented from favoring Smith & Wesson with contracts, according to a top GOP aide.

A Smith & Wesson official says the Republican campaign will do nothing to discourage the company from moving ahead with the pact. Talk of preferential treatment is ''mostly rhetoric,'' company spokesman Ken Jorgensen says. ''It is not something we asked for, it is nothing we anticipated, and it has not happened.''

But two gun lobbyists said the Republicans' campaign will dissuade other gun manufacturers from joining Mr. Clinton's program. ''This eliminates the incentive,'' says a program lobbyist close to several manufacturers.

Mr. Hostettler persuaded two-thirds of Armed Services Committee lawmakers to vote for his amendment, which doesn't mention Smith & Wesson by name but clearly targets the company. Gun Owners of America, an aggressive branch of the pro-gun movement, urged its members to lobby lawmakers to apply the restriction to other departments. ''It's abhorrent that our tax dollars are being used to push Clinton's antigun agenda,'' says John Velleco, the group's spokesman.

Rep. Carolyn McCarthy, an antigun Democrat from New York whose husband was killed by gunfire, is leading a counter-attack against attempts to gut the pact. ''I think they are trying to destroy Smith & Wesson for coming out with a good code of conduct,'' she says.

A greater potential threat to the gun industry than the attempt to manipulate government gun-buying practices are lawsuits filed against the industry by 30 cities and counties around the country.

In the latest development in the litigation, a Michigan state-court judge allowed parts of lawsuits filed against the industry by Detroit and Wayne County, MI, to proceed toward trial.

Wayne County Circuit Court Judge Jeanne Stempien said in a ruling Tuesday that the municipalities could move forward with the allegation that ''willful blindness'' by handgun manufacturers, wholesalers and retailers contributes to the diversion of guns to criminals, creating a ''public nuisance.'' The judge threw out the municipalities' claim that industry actions constitute ''negligence.''

Mr. Speaker, the article states that the gun lobby sponsored the language my amendment would strike and additional legislation efforts are likely by the NRA that will cripple Smith & Wesson.

This language sets a bad precedent. What if a company has an agreement to hire more veterans? What if a company has an agreement to use more subcontractors? Congress should not micromanage how procurement is conducted. The result would be substandard products for our men and women who have to defend our Nation.

I strongly support the agreement that Smith & Wesson has reached with HUD. The code of conduct will reduce gun violence in our communities. It contains many provisions that are under review by the House and Senate: child safety locks, background checks on all sales, safe storage for guns, establishing a DNA ballistic network that aids the ATF in solving crimes.

I urge my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes 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. Speaker, I rise in opposition to this rule because it prevents consideration of an amendment which I offered that would bring fundamental fairness to the way we convey property from closed military facilities.

Last year's defense authorization bill included language to forgive debts and allow communities to reclaim property from installations closed under the Base Realignment and Closure Act.

The amendment which I offered that was not included in the rule would have extended this same opportunity to communities with military facilities outside the BRAC process.

Mr. Speaker, this Congress has already decided that communities with BRAC facilities should receive property at no cost so they can more easily transform closed bases into engines of economic growth. Yet, many other communities in the same exact situation are still expected to bear the burden of paying for transferred property merely because their facilities happen to be closed outside the BRAC process. This is not right.

It is equally not right that while this bill and several amendments already adopted allow for no-cost conveyances of several facilities across the country, this House is denied the ability to consider an amendment that would simply treat all closed facilities the same.

I have a special interest in this issue because a community in my district is working hard to transform the Indiana Army Ammunition Plant into a center for economic development. A no-cost conveyance of this property would make their job much easier. But I want all communities to be able to benefit from the fair deal we already have given BRAC communities. That is why I regret that this rule does not make my amendment in order.

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

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I urge my colleagues to oppose this rule and stand up for the men and

women who dedicated their lives to this great country, and as a result are now suffering debilitating diseases.

Earlier this week, I appeared before the Committee on Rules to speak in favor of justice and fair play for former Department of Energy workers who have suffered serious diseases due to radiation, beryllium, silica, and other toxic chemical exposure related to their jobs.

From 1951 to 1992, the Federal government tested nuclear weapons above and below ground in southern Nevada at the Nevada test site, among other sites around the country.

Growing up in southern Nevada, I was friends with many of the children of Nevada test site workers and knew these people well. These former workers are now suffering debilitating diseases, and many have died as a result of their service to their country.

These workers were never made aware of the potential danger exposure to radiation, beryllium, silica, and other toxic chemicals might pose to their health, but we now know the hazards that were faced and we now have the responsibility to do the right thing.

The Federal government is already spending millions of dollars of taxpayers' money reimbursing contractors for the legal expenses contractors incur fighting claims from radiation victims. The Federal government is also already compensating atomic veterans and down winders.

I know that there is a sense of Congress that is going to be introduced, and I support it, because that is the right thing to do. But I am also well aware of the fact that that is too little and it will not be getting the job done for these people who are looking to the Federal government to get compensation for their illnesses.

It is the right thing to do, it is the appropriate thing to do. I want to state my strong opposition to the rule and my strong support for compensating former site workers who suffered work-related illnesses or lost wages due to radiation exposure and other toxic exposure.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to compliment the Committee on Rules for a very inclusive rule.

What I would like to do at this moment is I would like to read into the RECORD the letters of support we have from many different organizations and associations representing millions of Americans, not only veterans but Americans who support the bill:

The Veterans of Foreign Wars of the United States; the Association of the United States Army; the National Military Family Association; American Shipbuilding Association; the Enlisted Association of the National Guard of the United States; the Navy League of the United States; the National Association of Uniformed Services; the Fleet Reserve Association; the Retired Enlisted Association; Noncommissioned Officers Association; Commissioned Officers Association of U.S. Public Health Service; the Armed Forces Marketing Council; National Guard Association of the United States; the National Military and Veterans Alliance, which include the following organizations: The Air Force Sergeants Association; the American Military Retirees Association; the American Military Society; the American Retirees Association; Class Act Group; Catholic War Veterans; Korean Veterans Association; the Legion of Valor Association; the Military Order of the World Wars; the Naval Enlisted Reserve Association; the Society of Medical Consultants; the TREA Senior Citizens League; Tragedy Assistance Program for Survivors; the Vietnam Veterans of America; Women in Search of Equity, were also supported by the military coalition, which includes the following organizations:

The Air Force Association, the Army Aviation Association of America; the Association of Military Surgeons of the United States; the CWO & WO Associations of the U.S. Coast Guard; the Gold Star Wives of America, Incorporated; Jewish War Veterans of the United States; the Marine Corps League; Marine Corps Reserve Officers Association; the Military Order of the Purple Heart; the National Order of Battlefield Commissions; the Naval Reserve Association; the Society of Medical Consultants in the Armed Forces; the Military Chaplains Associations of the United States Army; the United Armed Forces Association; the United States Coast Guard Chief Petty Officers Association; the United States Army Warrant Officers Association; and the Veterans Widows International Network, Incorporated; to also end with the United States Chamber of Commerce.

Mr. Speaker, this list is very extensive. It represents millions of Americans that support the base bill that came out of the Committee on Armed Services, the Floyd Spence bill. They are all lined up also in honor of the gentleman from South Carolina (Mr. SPENCE) for his years of service, for his principles, for his commitment to national security.

When we hear some perhaps bickering about what was not included, what was included, let us pause for a moment and all Members recognize that this base bill is supported by many different organizations and associations.

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in support of the rule.

For those who followed it yesterday, I was very concerned that an amendment that would have fulfilled the promise of lifetime health care for our Nation's military retirees was not included in the rule yesterday. It is today.

We will have an opportunity to vote on this amendment, which would make Medicare subvention the law of the land permanently. This amendment has been endorsed by the military coalition, the 24 organizations that the gentleman from Indiana (Mr. BUYER) just made reference to, the National Military Veterans Alliance, the Retired Officers Association, and the Retired Enlisted Association.

I am very pleased that the Committee on Rules has seen to it that Members will have an opportunity to vote for it. I would also ask my fellow colleagues to support it without being amended.

I think it is important that we fulfill the promise that was made. Retirees, quite frankly, have been getting jacked around for a long time. They do not need any more demonstrations, more promises, they do not need any more half-hearted efforts. They need the promise that was made to them on the day that they enlisted to be fulfilled. The promise was free lifetime health care for them and their spouse at a military facility for the rest of their lives. That is what we are trying to do.

I am going to vote in support of this rule so this amendment can be voted on. I am going to ask all of my colleagues to vote for it. I would remind my colleagues that this amendment has five Republican cosponsors, five Democratic cosponsors, and I sure as heck would like to see every Member of this body vote for it.

□ 1230

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

Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for his support of this rule. The rule is fair. The rule allows debate. The gentleman from Mississippi (Mr. TAYLOR) came before the Committee on Rules and asked that we consider what he was doing, and he today is supporting us.

Mr. Speaker, we also have people who not only represent veterans across this country, as many of us do, but we also have those who are veterans who serve in Congress. I serve next to the gentleman from Texas (Mr. SAM JOHNSON), from the Third Congressional District, a man who served as a prisoner of war for 7 years in North Vietnam.

I am pleased also to have a young man who serves with us, a colleague who has been instrumental with the gentleman from South Carolina (Chairman SPENCE), in making sure that the veterans of this country and active duty men and women are not only protected but receive the very best of assurances that we will never put our Armed Forces in harm's way without the best ability that they have, and I am speaking about the gentleman from Indiana (Mr. BUYER). The gentleman served as a captain in the United States Army, in the Gulf War and now

serves as a lieutenant colonel in the Reserves.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me the time, and I also want to thank my colleague, the gentleman from Mississippi (Mr. TAYLOR).

As most of the body knows and understands, the gentleman from Mississippi (Mr. TAYLOR) and I serve as cochair of the Guard and Reserve Caucus. And we do many things on behalf of the Congress, on behalf of many, many Members as we move that process through the subcommittees of procurement and the full committee, and on as we move into conference.

The gentleman from Mississippi (Mr. TAYLOR) and I stand side by side in many of the different fights and battles that we do with regard to national security. This may be one of those moments where we can agree to disagree.

Let us do a little review of history, as America paid great tribute in recognition to the World War II veteran and to the Korean War veteran and we turned to them, and Congress created the GI bill. And we also in 1956 created the space availability care for medical treatment; but in the 1960s, when Congress created Medicare, it was the Congress at that time that took the military retiree and triggered them into the general population. That is what happened in this body. Now, I do not want to get into the politics of this thing, but that was a Democrat controlled Congress triggered the military retiree to be treated the same.

Now, many did not recognize or feel that. Why? Because many of the military retirees, they lived next to military medical treatment facilities. Then as we go through the BRAC process, many of them find out and discovered then for the first time that, oh, my gosh, the military can actually close that military hospital and I have to drive so far for my health care. I thought that I was promised health care for life.

Then the Congress responds by creating many different types of pilot programs, whether it is Medicare subvention or FEHBP or a BRAC pharmacy program. We have such a hodgepodge military health care system right now. Why? Because really we as a body are trying to struggle with how do we get our arms around this military health care system and deliver care to the military retiree without saying to the military retiree, you have to live next to a medical treatment facility.

Mr. Speaker, with regard to Mr. TAYLOR's amendment seeking to make Medicare subvention permanent, the gentleman is basically saying to the military retiree if you want that care, you better live next to a medical treatment facility, because if you do not live next to one, it is not going to apply to you.

Now, what concerns me is that the medical subvention is a pilot. See, we create these pilot programs so we can then analyze the data so we can make competent judgments. Often, we create these pilot programs and we do not have the patience to analyze the data and quickly we move into the permanency of these programs.

This is a moment when I analyze this one, I said, enough of all the rhetoric; any Member can come to the floor and make a great speech about throwing their arm around the veteran. It is 101 when it comes to political speeches, but let us stop the rhetoric.

We take the pilot programs that are out there in this base bill and we extend the demos, that was negotiated through the Committee on Commerce and the Committee on Ways and Means. The administration supports the base tax of this bill to extend the demos. We extend them and they end December 31 of 2003.

Now, what happens? Why do you end them? You end them because we are going to analyze them. We do several things. We create this independent advisory council nominated by the Secretary of Defense to analyze this complex health care system and to give recommendations to the Congress in July of 2002. You then have the input from Congress. You have the independent advisory council. You have OMB as a player. You have DOD as a player, and you have the United States Senate.

I believe as we work in the fall of 2002, after having properly analyzed all of these pilot programs, that we can actually then deliver and the next administration will know that since we created this road map of methodology to properly analyze what will be the best health delivery system for the military retiree, the next administration knows the bill is coming in the 2004 cycle. So the bill is crafted in the fall of 2002 on what is the best method; it is introduced before the Committee on Armed Services in April of 2003 in the 2004 cycle; and in October 1 of 2004, it happens. It happens.

It is not just that it happens, it happens in a manner that is based on a methodology for the most competent decision.

Medicare subvention; what we have learned as a pilot program is it is running $100 million a year in arrears to DOD, and it was meant to be a cost-neutral program. So if it is running $100 million in arrears to DOD at 6 sites, if we expand it to over 60 sites and make it permanent, we are taking a crippled program that has not been fixed and putting it on the road to financial disaster, and that is what the letter that we received from the Air Force, Michael Ryan, the General, the Chief of Staff of the United States Air Force, he said ''I urge that we heed the lessons already learned from Medicare subvention demonstration projects. The current TRICARE senior prime program, though popular with retirees, is not fiscally sustainable over the long term.''

Mr. Speaker, what I ask of Members is that in this base tax, we have the methodology for us to analyze the data to make the competent decisions, and we deliver.

In good faith, negotiating with the gentleman from Mississippi (Mr. TAYLOR) yesterday, we agreed to offer a substitute to his amendment that would expand to all major medical centers as we then begin to work to help and urge the renegotiation of the rate between HCFA and the Department of Defense as we also work on the utilization issue. That is what the substitute is that I bring to the Members to vote on this afternoon. It is extremely important.

The question is, do we want to continue a pilot program, work to make it better so we can get a good test or do we just say, oh, the heck with it. Let us just make it permanent. The money does not matter. I do not believe that is our responsibility as Members of Congress.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I am deeply disappointed that the amendment offered by my good friend, the gentlewoman from New York (Mrs. MCCARTHY), was not made in order by the rule. The amendment would have stripped section 810 from this bill, an egregious provision barring the Department of Defense from giving preference in procurement to companies that enter into agreements with the Federal Government. It is clear that this language is an attack on Smith and Wesson, which recently signed a code of conduct with the Department of Housing and Urban Development.

The Department of Defense, responsible for our Nation's security, should be free to purchase the best quality, most cost effective and safest products available today. It is preposterous to penalize a manufacturer solely because it has pledged to produce safe, quality merchandise and to go to great lengths to cooperate with Federal, state and local law enforcement. We should encourage such courageous initiatives, not punish them.

Codes of conduct by firearms manufacturers will make our communities and streets safer. They will protect our children from accidental shootings, and they will strengthen law enforcement's efforts to enforce our Nation's firearms laws by ensuring that background checks are performed and improving ballistic technology.

The American people support efforts to make firearms safer and to keep them out of the hands of children and criminals. Congress should have had the chance to demonstrate its support for these goals by considering the McCarthy amendment.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with great concern about the omissions that are found in this rule, in particular, the lack of allowing the amendment of the gentlewoman from New York (Mrs. MCCARTHY) to make fair the process of procurement in the Federal Government.

We rarely do this in other instances. Why would we try to penalize a good neighbor and a good corporate citizen like Smith and Wesson, which has committed itself to safer guns to protect the lives of our children? I do not know.

I am saddened by the fact that that has occurred, and I would hope that my colleagues would see the wisdom in allowing us to debate such issues. I am gratified, however, with the Sanchez-Morella amendment, which restores equal access to equal services of overseas military hospitals to servicemen and women and their dependents.

I rise today to salute the gentleman from Mississippi (Mr. TAYLOR) for his persistence and for where we are in being allowed to debate a vital issue, and I ask my colleagues to support the Taylor amendment, which provides lifetime health care for military retirees. I want to put a face on military retirees. They are the everyman. They are in rural America. They are in urban America. They are the bus drivers, many of them, they are the day workers and laborers across the Nation. They are the teachers, yes, the doctors and lawyers, but they are the everyday American. I have many of them in my constituency.

It bothers me when I begin to hear the balancing or the nonbalancing of the numbers. We know that this program, if put in place, will merely cost us an additional $20 million. Yes, we have arrears of $100 million, but might I say to the American people, there is a distinction between arrears and debt. Arrears is we have not been paying, and we have a problem with HCFA. We have a problem with HCFA, my small health care businesses, who tell me every single day, I am being closed down. I cannot care for the elderly because HCFA is not paying.

The real issue is not debt to Medicare, it is the question that HCFA is not paying its bills. I want my military retirees, those who were in Korea, those who were in Vietnam, those who were in the Persian Gulf, those who were in Kosovo, I want them to have the dignity and the respect of being called their title and the kind of treatment they get at military hospitals on base if they so desire.

I am going to roll up my sleeves, and I do not know about the rest of my colleagues. I encourage them to rise to their feet, and support the Taylor amendment, because those people are our neighbors, and they have been committed to, they have been told that this would be a lifetime provision and benefit. And I do not know why we would deny it. I think it is important to not misuse the figures and the dollars, and I am gratified that we have been able to have this opportunity.

Mr. Speaker, I certainly would not take that away from the Committee on Rules, and I do thank them. I hope that as we debate this issue, that as we move toward honoring our men and women who gave the ultimate sacrifice this Memorial Day that we will say to the living veterans, we thank you, we thank you, we thank you, because the ability to debate on the floor of the House, the freedom of all of us in the United States of America, is because our men and women have been willing to put themselves on the line for freedom.

I am going to put myself on the line to vote for the Taylor amendment to ensure that they have the dignity of full-time military health benefits throughout their entire lifetime. I would ask my colleagues to do so.

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

Mr. Speaker, let us be clear as to what is at issue for our military retirees. We have a very good approach by the gentleman from Mississippi (Mr. TAYLOR). The gentleman from Indiana (Mr. BUYER) is saying do not rush into anything, do not vote for the Taylor amendment in its original form. Our military retirees have been waiting patiently for quite a while for resolution of this issue.

What the Taylor amendment, of course, does is apply to those military retirees who have already reached the age of 65 and permits them to be treated at military hospitals and to have those hospitals reimbursed by Medicare.

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What the Shows amendment does is to not only address those military retirees that are already 65, but the large number of military retirees who have not yet reached the age of 65. And it would permit those retirees, those men and women who have served at least 20 years for their country, to participate in the Federal Employees Health Benefits Program, the exact same program that we as Members of Congress and our staffs participate in, and every other Federal civilian employee participates in.

The Shows amendment is a comprehensive approach. It is the amendment that has a very large number of supporters in this House and it is an amendment that we are not being permitted to vote on today. That is regrettable. That is a comprehensive approach which would address the concerns of military retirees once and for all. We are not going to have that opportunity today under the rule as crafted.

The Taylor amendment does provide some relief because it does provide an opportunity for those retirees who have already reached the age of 65 to be treated at military hospitals and have that treatment reimbursed by Medicare. The rule that we have before us today is an improvement over the rule yesterday, but it does not go as far as some people would like, which is to see the House have the opportunity to voice its views on the question of military retirees.

Now, Mr. Speaker, I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order an additional 37 amendments, including the Shows amendment, which provides additional health care benefits for veterans.

The McCarthy amendment, which removes provisions in the bill that punish gun manufacturers for abiding by voluntary gun safety agreements, and the Allen amendment, that deals with retiring or dismantling excess strategic nuclear delivery systems.

If the previous question is defeated, Members will have the opportunity to vote up or down on all of those proposals.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question and extraneous materials into the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I ask my colleagues to vote ''no'' on the previous question so we can debate all of these issues, and I yield back the balance of my time.

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

What we are talking about today is the rule, Mr. Speaker, the rule for the fiscal year 2001 Department of Defense authorization bill. It is a bill that has been not only worked on very diligently by the brightest and best Members of Congress that we have, led by our chairman, the gentleman from South Carolina (Mr. SPENCE), but also by a great number of other people who have spoken today; not only the gentleman from Indiana (Mr. BUYER) but also the gentleman from Nevada (Mr. GIBBONS), who are both veterans of high stature.

Mr. Speaker, today's rule allows for a full and fair consideration of all the controversial defense authorization issues. We are getting our military families off food stamps and we are going to provide a 3.7 percent pay increase. We are helping them by creating an Armed Services Thrift Savings Plan. We are doing those things that will improve military housing. We are doing things, I believe, that rearm our military to make sure that the young men and young women who represent America have not only the best fighting equipment, but also the circumstances and the will of a grateful Nation.

Mr. FROST. Mr. Speaker, I submit for the RECORD the materials I referred to earlier.

PREVIOUS QUESTION FOR H. RES. 504, H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT

At the end of the resolution add the following new section:

''SEC. 6. Notwithstanding any other provision of the resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided between the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. SHOWS OF MISSISSIPPI

Strike section 723 (page 229, line 1, and all that follows through page 230, line 19).

At the end of title VII (page 247, after line 9), insert the following new subtitle:

Subtitle E—Additional Provisions Regarding Department of Defense Beneficiaries

SEC. 741. SHORT TITLE.

This subtitle may be cited as the ''Keep Our Promise to America's Military Retirees Act''.

SEC. 742. FINDINGS.

Congress finds the following:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to ''space available'' health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of ''space available'' services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

SEC. 743. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

''(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

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

''(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(b) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

''§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.

''(f) LIMITATION ON NUMBER OF ENROLLEES.—The number of eligible individuals enrolled in the Federal Employees Health Benefit plan under this section and pursuant to section 8905(h) of title 5 shall not exceed 300,000. In implementing this subsection, priority shall be given to medicare eligible covered beneficiaries entitled to retired or retainer pay.''.

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(3) The amendments made by this subsection shall take effect on January 1, 2001.

SEC. 744. EXTENSION OF COVERAGE OF CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES.

Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Except as provided in subsection (d), the'', and inserting ''The'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

SEC. 745. RESERVE FUND.

The allocation of new budget authority and outlays to the Committees on Armed Services of the House of Representatives and the Senate shall be increased by $4,000,000,000 for fiscal years 2001 through 2005 for the purpose of carrying out the provisions in this Act if such increase will not cause an on-budget deficit for such fiscal years.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MRS. MCCARTHY OF NEW YORK

Strike section 810 (page 262, lines 1 through 16).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ALLEN OF MAINE, MR. MCGOVERN OF MASSACHUSETTS AND MR. GEJDENSON OF CONNECTICUT

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. REVISION TO LIMITATION RESPECTING STRATEGIC SYSTEMS IN ORDER TO COMPLY WITH START II TREATY.

(a) LIMITATION.—Subsection (a)(2) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended —

(1) in the matter preceding subparagraph (A), by striking ''in paragraph (1)(B) shall be modified in accordance with paragraph (3)'' and inserting ''in paragraph (1) shall cease to apply'';

(2) in subparagraph (C), by striking ''ratify the START II treaty'' and inserting ''continue reductions in its own strategic nuclear arsenal''; and

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

''(E) That reductions in the strategic nuclear delivery systems of the United States are to be carried out in a verifiable, symmetrical, and reciprocal manner with Russia to ensure that the level of strategic nuclear delivery systems deployed by the United States does not fall below the level of strategic nuclear delivery systems deployed by the Russia.''.

(b) WAIVER AUTHORITY.—Subsection (b) of such section is amended by striking ''the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be,'' and inserting ''the limitations in effect under subsection (a)''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. BERKLEY OF NEVADA

At the end of title XXXI (page ____, after line ____), insert the following new section:

SEC. ___. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—The Energy Policy Act of 1992 is amended by adding after title XXX the following new title:

''TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

''Subtitle A—General Definitions and Administrative Office

''SEC. 3101. DEFINITIONS.

''For the purpose of this title—

''(1) the term 'Department of Energy' includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District;

''(2) the term 'Department of Energy facility' means any building, structure, or premises, including the grounds upon which they are or were located, in which operations are or were conducted by, or on behalf of, the Department of Energy and with regard to which the Department of Energy has or had a proprietary interest or has or had entered into a contract with an entity to provide management and operating, management and integration, or environmental remediation;

''(3) the term 'Director' means the Director of the Occupational Illness Compensation Office appointed under section 3102;

''(4) the term 'Fund' means the Energy Employees Occupational Illness Compensation Fund established under section 3156;

''(5) the term 'Office' means the Occupational Illness Compensation Office established under section 3102; and

''(6) the term 'radiation' means ionizing radiation in the form of alpha or beta particles or gamma rays.

''SEC. 3102. OCCUPATIONAL ILLNESS COMPENSATION OFFICE.

''(a) OFFICE.—There is created within the Department of Energy the Occupational Illness Compensation Office.

''(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary of Energy and who shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(c) DUTIES OF THE DIRECTOR.—The Director shall administer this title and carry out the duties assigned to the Director.

''(d) CONSULTATION WITH THE SURGEON GENERAL.—The Director may consult the Surgeon General, and the Surgeon General may consult with the Director, concerning administration of this title.

''(e) REPORTS.—(1) Beginning one year after the date of enactment of this title, and each year thereafter, the Director shall prepare a concise report concerning the status of the operation of the programs under this title and shall, through the Secretary of Energy, submit the report to Congress and publish it in the Federal Register. This report shall include information such as the number of claims filed under each subtitle, the action taken regarding these claims, the total and average value of the benefits furnished to claimants, administrative expenses of the Office, and amounts available in the Fund. The information shall be compiled in a statistical format in a manner so that personal information on individuals is not revealed.

''(2) Four years after the date of enactment of this title, the Director shall prepare a report on the administration of this title and the effectiveness of the program in meeting the compensation needs of Department of Energy workers with regard to occupational illnesses.

''Subtitle B—Beryllium, Silicosis, and Radiation

''SEC. 3111. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'atomic weapons employee' means an individual employed by an atomic weapons employer during a time when the employer was processing or producing for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d));

''(2) the term 'atomic weapons employer' means an entity that—

''(A) processed or produced for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)); and

''(B) is designated as an atomic weapons employer for the purpose of this subtitle in regulations issued by the Director;

''(3) the term 'beryllium illness' means any of the following conditions:

''(A) Beryllium Sensitivity, established by an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells;

''(B) Chronic Beryllium Disease, established by—

''(i) beryllium sensitivity, as defined in subparagraph (A); and

''(ii) lung pathology consistent with Chronic Beryllium Disease, such as—

''(I) a lung biopsy showing granulomas or a lymphocytic process consistent with Chronic Beryllium Disease;

''(II) a computerized axial tomography scan showing changes consistent with Chronic Beryllium Disease; or

''(III) pulmonary function or exercise testing showing pulmonary deficits consistent with Chronic Beryllium Disease; or

''(C) any injury or illness sustained as a consequence of a beryllium illness as defined in subparagraph (A) or (B) of this paragraph;

''(4) the term 'beryllium vendor' means:

''(A) Atomics International;

''(B) Brush Wellman, Inc.;

''(C) General Atomics;

''(D) General Electric Company;

''(E) NGK Metals Corporation and its predecessors: Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America;

''(F) Nuclear Materials and Equipment Corporation;

''(G) StarMet Corporation, and its predecessor, Nuclear Metals, Inc.;

''(H) Wyman Gordan, Inc.; or

''(I) any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for the purposes of this subtitle in regulations issued by the Director under section 3112(d);

''(5) the term 'beryllium vendor employee' means an individual employed by a beryllium vendor or a contractor or a subcontractor of a beryllium vendor when the vendor, contractor, or subcontractor was engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy;

''(6) the term 'Department of Energy contractor employee' means an individual who is or was employed at a Department of Energy facility by—

''(A) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

''(B) a subcontractor that provided services, including construction, at the facility;

''(7) the term 'Federal employee' means an individual defined as an employee in section 8101(1) of title 5, United States Code, who may have been exposed to beryllium or silica at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor;

''(8) the term 'monthly pay' means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if the recurrence begins more than six months after the employee resumes regular full-time employment, whichever is greater, except when otherwise determined under section 8113 of title 5, United States Code;

''(9) the term 'silicosis' means an illness that is established by—

''(A) a chest radiograph or other imaging technique consistent with silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

''(B) pathologic findings characteristic of silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

''(10) the term 'time of injury', when used in sections of title 5, United States Code, referenced in this subtitle, means the last date on which—

''(A) a Department of Energy contractor employee, a Federal employee, or a beryllium vendor employee was exposed to beryllium or silica in the performance of duty as specified in section 3112, if the claim or award is made under section 3112; or

''(B) a Department of Energy contractor employee or an atomic weapons employee was exposed to radiation as determined by rules issued under section 3113, if the claim or award is made under section 3113.

"SEC. 3112. ELIGIBILITY OF WORKERS EXPOSED TO BERYLLIUM AND SILICA.

''(a) IN GENERAL.—

''(1) To be eligible under this section for benefits under section 3114—

''(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee must have—

''(i) suffered disability or death from a beryllium illness; and

''(ii) been exposed to beryllium in the performance of duty; or

''(B) a Federal employee or Department of Energy contractor employee must have—

''(i) suffered disability or death from silicosis; and

''(ii) been exposed to silica in the performance of duty.

''(2) Notwithstanding paragraph (1)—

''(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from a beryllium illness and has been exposed to beryllium in the performance of duty; and

''(B) a Federal employee or Department of Energy contractor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from silicosis and has been exposed to silica in the performance of duty,

but was not disabled or did not die because of the beryllium illness or silicosis.

''(b) FEDERAL AND CONTRACTOR EMPLOYEE.—

''(1) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to beryllium in the performance of duty if—

''(A) the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment when beryllium dust particles or vapor may have been present at that facility; or

''(B) the employee was present at a facility owned by a beryllium vendor because of the employee's employment when dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the facility.

''(2) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to silica in the performance of duty if the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment in an area where airborne silica dust was present.

''(c) BERYLLIUM VENDOR EMPLOYEE.—In absence of substantial evidence to the contrary, a beryllium vendor employee shall be considered to have been exposed to beryllium in the performance of duty if the employee was employed by a beryllium vendor, or a contractor or subcontractor of a beryllium vendor, and was present at that employer's site because of the employment when silica or beryllium dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the site.

''(d) ADDITIONAL VENDORS.—The Director may designate, in regulations, an additional vendor, processor, or producer of beryllium or related products as a beryllium vendor for the purposes of this subtitle upon the Director's finding that the entity engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy in a manner similar to the entities listed in section 3111(4).

''(e) ADDITIONAL ILLNESS CRITERIA.—The Director may specify, in regulations, additional criteria by which a claimant may establish the existence of a beryllium illness, as defined in section 3111(3)(A) or (B), or silicosis, as defined in section 3111(9).

"SEC. 3113. ELIGIBILITY OF WORKERS EXPOSED TO RADIATION.

''(a) IN GENERAL.—

''(1) To be eligible under this section for benefits under section 3114, a Department of Energy contractor employee or atomic weapons employee must—

''(A) have suffered disability or death from cancer;

''(B) have contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

''(C) fall within guidelines that—

''(i) are established by the Director by rule for determining whether the cancer the employee contracted was at least as likely as not related to employment at the facility;

''(ii) are based on the employee's exposure to radiation at the facility;

''(iii) incorporate the methods established under subsection (b)(1)(A); and

''(iv) take into consideration the type of cancer; past health-related activities, such as smoking; information on the risk of developing a radiation-related cancer from workplace exposure; and other relevant factors.

''(2) Notwithstanding paragraph (1), a Department of Energy contractor employee or atomic weapons employee is eligible for medical benefits under section 3114(a)(3) if the employee meets the requirements of paragraph (1)(B) and (C), but was not disabled or did not die because of the cancer.

''(b) RADIATION DOSE.—

''(1) The Director shall—

''(A) establish, by rule, methods for arriving at reasonable estimates of the radiation doses Department of Energy contractor employees received at a Department of Energy facility and an atomic weapons employee received at a facility operated by an atomic weapons employer if the employee were not monitored for exposure to radiation at the facility or were monitored inadequately, or if the employees exposure records are missing or incomplete; and

''(B) provide to an employee who meets the requirements of subsection (a)(1)(B) an estimate of the radiation dose the employee received based on dosimetry reading, a method established under subparagraph (A), or a combination of both.

''(2) The Director shall establish an independent review process to review the methods established under subsection (b)(1)(A) and the application of those methods and to verify a reasonable sample of individual dose reconstructions provided under subsection (b)(1)(B).

''(c) RESOLUTION OF REASONABLE DOUBT.—In determining whether an employee meets the requirements of this section, the Director shall resolve any reasonable doubt in favor of the employee.

''(d) NAVAL NUCLEAR PROPULSION PROGRAM.—A Department of Energy contractor employee or atomic weapons employee who is or was employed at a facility or in an activity covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program, is not eligible under this section for benefits under section 3114.

"SEC. 3114. COMPENSATION FOR DISABILITY OR DEATH, MEDICAL SERVICES, AND VOCATIONAL REHABILITATION.

''(a) IN GENERAL.—

''(1) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, unless the disability or death was caused by one of the circumstances set forth in subsection (a)(1)–(2) of section 8102 of title 5, United States Code, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(1) or 3113(a)(1)—

''(A) pay the compensation specified in sections 8105–8110, 8111(a), 8112–13, 8115, 8117, 8133–8135, and 8146a(a)–(b) of title 5, United States Code;

''(B) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

''(C) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

''(2) The Director may direct a permanently disabled employee whose disability is compensable under this section to undergo vocational rehabilitation as a condition for receiving benefits under paragraph (1) and shall provide for furnishing vocational rehabilitation services pursuant to sections 8104 and 8111(b) of title 5, United States Code.

''(3) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(2) or 3113(a)(2)—

''(A) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

''(B) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

''(4) An employee or the employee's survivor shall not receive compensation under paragraph (1)(A) for more than one disability.

''(b) FUND.—All compensation provided and services paid for under this section shall be paid from the Fund and shall be limited to amounts available in the Fund.

''(c) COMPUTATION OF PAY.—Computation of pay under this subtitle shall be determined in accordance with section 8114 of title 5, United States Code.

"SEC. 3115. LUMP SUM COMPENSATION.

''(a) BERYLLIUM.—A Federal employee, Department of Energy contractor employee, or beryllium vendor employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

''(1) was exposed to beryllium in the performance of duty, as set forth in section 3112;

''(2) was diagnosed before the date of enactment of this subtitle as having—

''(A) Chronic Beryllium Disease as defined in section 3111(1)(B), or

''(B) a beryllium-related pulmonary condition that does not meet the criteria necessary to establish the existence of a beryllium illness under section 3111(1) but that was determined, either contemporaneously or later, to be consistent with Chronic Beryllium Disease as defined in section 3111(1)(B); and

''(3) demonstrates the existence of a beryllium illness or beryllium-related pulmonary condition and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

''(b) SILICOSIS.—A Federal employee or Department of Energy contractor employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

''(1) was exposed to silica in the performance of duty, as set forth in section 3112,

''(2) was diagnosed before the date of enactment of this subtitle as having silicosis; and

''(3) demonstrates the existence of silicosis and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

''(c) RADIATION.—A Department of Energy contractor employee or atomic weapon employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

''(1) developed a cancer before the date of enactment of this subtitle;

''(2) contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

''(3) falls within guidelines the Director established under section 3113(a)(1)(C).

''(d) DEATH BEFORE ELECTION.—If an employee who would be eligible to make an election provided by this section dies before the date of enactment of this subtitle, or before making the election, whether or not the death is the result of a beryllium-related condition, silicosis, or a cancer, the employee's survivor may make the election and receive the compensation under this section. The right to make an election and receive compensation under this section shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code.

''(e) TIME LIMIT.—The election under this section shall be made within 60 days after the date the Director informs the employee or the employee's survivor of a determination on awarding benefits made by the Director under section 3114. The election when made by an employee or survivor is irrevocable and binding on the employee and all survivors.

''(f) CONDITION AND ILLNESS.—A determination that an employee, or a survivor on behalf of an employee, has established a beryllium-related pulmonary condition under subsection (a)(2)(B) does not constitute a determination that the existence of a beryllium illness has been established.

''(g) COST OF LIVING ADJUSTMENT.—The compensation payable under this section is not subject to the cost-of-living adjustment set forth in section 8146a (a) of title 5, United States Code.

''SEC. 3116. ADJUDICATION.

''Except to the extent specified otherwise in this subtitle, the Director shall determine and adjudicate issues under this subtitle in accordance with sections 8123–8127 and 8129 of title 5, United States Code.

''Subtitle C—Gaseous Diffusion Employees Exposure Compensation

''SEC. 3121. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'gaseous diffusion employee' means an individual who is or was employed at the Paducah, Kentucky; Portsmouth, Ohio; or Oak Ridge, Tennessee; gaseous diffusion plant by—

''(A) the Department of Energy; or

''(B) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the plant; and

''(2) the term 'specified disease' means—

''(A) leukemia (other than chronic lymphocytic leukemia);

''(B) multiple myeloma;

''(C) lymphomas (other than Hodgkin's disease);

''(D) primary liver cancer; and

''(E) cancer of the—

''(i) thyroid;

''(ii) male or female breast;

''(iii) pharynx;

''(iv) esophagus;

''(v) stomach;

''(vi) small intestine;

''(vii) pancreas;

''(viii) bile ducts;

''(ix) gall bladder;

''(x) salivary gland;

''(xi) urinary tract;

''(xii) lung, provided not a heavy smoker;

''(xiii) bone; and

''(xii) bronchiolo-alveolae.

''SEC. 3122. ELIGIBLE EMPLOYEES.

''(a) IN GENERAL.—A gaseous diffusion employee who—

''(1) was employed at a gaseous diffusion plant for at least one year during the period beginning on January 1, 1953, and ending on February 1, 1992;

''(2) during that period—

''(A) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of the employee's body to radiation; or

''(B) worked in a job that had exposures comparable to a job that was monitored through the use of dosimetry badges; and

''(3) contracted a specified disease after employment under conditions specified in subparagraphs (1) and (2),

shall receive $100,000, if a claim for payment is filed with the Director by or on behalf of the gaseous diffusion employee and the Director determines, in accordance with section 3123, that the claim meets the requirements of this subtitle.

''(b) PAYMENT LIMITATIONS.—

''(1) Payments under this section shall be limited to amounts available in the Fund.

''(2) An employee or the employee's survivor shall not receive more than one payment under this subtitle.

''SEC. 3123. DETERMINATION AND PAYMENT OF CLAIMS.

''(a) DETERMINATION.—The Director shall establish, under regulations the Director issues, procedures for filing a claim and for determining whether a claim filed under this subtitle meets the requirements of this subtitle.

''(b) PAYMENT.—

''(1) The Director shall pay, from the Fund and limited to amounts available in the Fund, claims filed under this subtitle that the Director determines meet the requirements of this subtitle.

''(2)(A) In the case of a gaseous diffusion employee who is deceased at the time of payment under this section, a payment shall be made only as follows—

''(i) if the gaseous diffusion employee is survived by a spouse who is living at the time of payment, the payment shall be made to the surviving spouse;

''(ii) if there is no spouse living at the time of payment, the payment shall be made in equal shares to all children of the gaseous diffusion employee who are living at the time of payment; or

''(iii) if there are no spouse or children living at the time of payment, the payment shall be made in equal shares to the parents of the gaseous diffusion employee who are living at the time of payment.

''(B) If a gaseous diffusion employee eligible for payment under this subtitle dies before filing a claim under this subtitle, a survivor of that employee who may receive payment under subparagraph (A) may file a claim for payment under this subtitle.

''(C) For purposes of this section—

''(i) the spouse of a gaseous diffusion employee is a wife or husband of that employee who was married to that employee for at least one year immediately before the death of the employee;

''(ii) a child includes stepchildren, adopted children, and posthumous children; and

''(iii) a parent includes step-parents and parents by adoption.

''Subtitle D—Energy Workers Exposed to Other Hazardous Materials

''SEC. 3131. WORKERS EXPOSED TO OTHER HAZARDOUS MATERIALS.

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'Department of Energy contractor employee' means an individual who is or was employed at a Department of Energy facility by an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; and

''(2) the term 'panel' means a physicians panel established under subsection (d).

''(b) DIRECTOR REVIEW.—The Director shall—

''(1) establish procedures under which an individual may submit an application for review and assistance under this section, and

''(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

''(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee's estate; and

''(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

''(c) DIRECTOR DETERMINATION.—If the Director determines that the applicant submitted reasonable evidence under subsection (b)(2), the Director shall submit the application to a physicians panel established under subsection (d). The Director shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel's deliberations.

''(d) PANEL.—

''(1) The Director shall inform the Secretary of Health and Human Services of the number of physicians panels the Director has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Director may determine to have only one panel.

''(2) The Secretary of Health and Human Services shall compile a list of physicians with experience and competency in diagnosing occupational illnesses for each panel and provide the list to the Director. The Director shall appoint panel members from the list under section 3109 of title 5, United States Code. Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

''(3) A panel shall review an application submitted to it by the Director and determine, under guidelines established by the Director, by rule, whether—

''(A) the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a hazardous material at a Department of Energy facility; and

''(B) the Department of Energy contractor employee who is the subject of the application would be ineligible to receive benefits under section 3114, 3115, 3123, or 3132.

''(4) At the request of a panel, the Director and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to

the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

''(5) Once a panel has made a determination under paragraph (3), it shall report to the Director its determination and the basis for the determination.

''(e) ASSISTANCE.

''(1) The Director shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination. The Director shall accept the panel's determination in the absence of compelling evidence to the contrary.

''(2) If the panel has made a positive determination under subsection (d) and the Director accepts the determination, or the panel has made a negative determination under subsection (d) and the Director finds compelling evidence to the contrary, the Director shall—

''(A) assist the applicant to file a claim under the appropriate State workers compensation system based on the health condition that was the subject of the determination;

''(B) recommend to the Secretary of Energy that the Department of Energy not contest a claim filed under a State workers compensation system based on the health condition that was the subject of the determination and not contest an award made under a State workers compensation system regarding that claim; and

''(C) recommend to the Secretary of Energy that the Secretary direct, as permitted by law, the contractor who employed the Department of Energy contractor employee who is the subject of the claim not to contest the claim or an award regarding the claim.

''(f) INFORMATION.—At the request of the Director, a contractor who employed a Department of Energy contractor employee shall make available to the Director or the employee, information relevant to deliberations under this section.

''SEC. 3132. PANEL-EXAMINED OAK RIDGE WORKERS.

''(a) PHYSICIANS PANEL REPORT.—A panel of physicians who specialize in diseases and health conditions related to occupational exposure to radiation, hazardous materials, or both selected by the contractor that managed the Department of Energy's East Tennessee Technology Park (referred to in this section as the 'facility') shall prepare a report concerning medical examinations of not more than 55 current and former employees of the facility. This panel is separate and apart from a panel appointed by the Director under section 3131(d). The report shall address whether each of these employees may have sustained any illness or other adverse health condition as a result of their employment at the facility.

''(b) DIRECTOR FINDING.—The contractor shall provide the report of the panel completed under subsection (a) to the Director. The Director shall make a finding as to whether an employee covered by the report sustained an illness or other adverse health condition as a result of exposure to radiation, hazardous materials, or both as part of employment at the facility.

''(c) AWARD.—If the Director makes a positive finding under subsection (b) regarding an employee, the Director shall make an award to the employee of $100,000 from the Fund, limited to amounts available in the Fund. An employee shall not receive more than one award under this subtitle.

''Subtitle E—General Provisions

''SEC. 3141. DUAL BENEFITS.

''(a) BENEFITS UNDER MORE THAN ONE SECTION.—

''(1) An individual may not receive benefits, because of the same illness or death or because of more than one illness or death, under more than one of the following sections: 3114, 3115, 3123, or 3132. An individual who is eligible to receive benefits under more than one of those sections because shall elect one section under which to receive benefits.

''(2) A widow or widower who is eligible for benefits under this title derived from more than one husband or wife shall elect one benefit to receive.

''(b) BENEFITS UNDER THIS TITLE AND OTHER FEDERAL ILLNESS OR DEATH BENEFITS.—

''(1) An individual who is eligible to receive benefits under this title because of an illness or death of a Federal employee and who also is entitled to receive from the United States under a statute other than this title payments or benefits for that same illness or death, including payments and other benefits under another Federal workers compensation system but not including proceeds of an insurance policy, shall elect which benefits to receive.

''(2) An individual who has been awarded benefits under this title, and who also has received benefits from another Federal workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the Federal workers compensation system as a result of the illness or death, after deducting—

''(A) payments received under the Federal workers compensation system for medical expenses that are not reimbursed under section 3114; and

''(B) the reasonable costs, as determined by the Director, of obtaining benefits under the Federal workers compensation system.

''(c) BENEFITS UNDER THIS TITLE AND STATE WORKERS COMPENSATION BENEFITS.—

''(1) An individual who is eligible to receive benefits under this title because of an illness or death and who also is entitled to receive benefits because of the same illness or death from a State workers compensation system shall elect which benefits to receive, unless:

''(A) at the time of injury, workers compensation coverage for the employee was secured by a policy or contract of insurance; and

''(B) the Director waives, because of the substantial financial benefit to the United States, the requirement to make such an election.

''(2) Except as specified in paragraph (3), an individual who has been awarded benefits under this title and who also has received benefits from a State workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the State workers compensation system as a result of the illness or death, after deducting—

''(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

''(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

''(3) An individual described in paragraph (2) who also has received, under paragraph (1)(B), a waiver of the requirement to elect between benefits under this title and benefits under a State workers compensation system, shall receive compensation under this title reduced by eighty percent of the net amount of any workers compensation benefits that the individual has received under a State workers compensation system because of the same illness, after deducting—

''(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

''(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

''(d) OTHER STATUTES.—An individual may not receive compensation under this title for a radiation-related cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or under the Radiation-Exposed Veterans Compensation Act (38 U.S.C. 1112(c)).

''(e) SUBTITLE B BENEFITS AND RETIREMENT BENEFITS.—

''(1) If an employee or employee's survivor who is awarded payments for lost wages under section 3114 receives a retirement payment from any source, the Director shall adjust, if necessary, the amount of the lost wages paid under section 3114 so that the combination of lost wages under section 3114 and retirement benefits from any source to be paid in a year does not exceed the employee's last annual salary.

''(2) An employee or employee's survivor shall inform the Director at the time of filing an application for benefits under subtitle B if the employee or employee's survivor is receiving retirement payments. An employee or employee's survivor who is not receiving retirement benefits when filing an application for benefits under subtitle B and who is awarded benefits for lost wages under subtitle B shall inform the Director of receipt of retirement payments no later than 30 days before receiving the first retirement payment.

''(f) ELECTION.—

''(1) If an individual is required to make an election under this section, the individual shall make the election within a reasonable time, as determined by the Director.

''(2) An election when made by an individual is irrevocable and binding on the employee and all survivors.

''SEC. 3142. EXCLUSIVE REMEDY UNDER SUBTITLE B AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS.

''(a) IN GENERAL.—The liability of the United States or an instrumentality of the United States under subtitle B with respect to a cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death of an employee is exclusive and instead of all other liability—

''(1) of—

''(A) the United States;

''(B) any instrumentality of the United States;

''(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

''(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

''(E) an employee, agent, or assign of an entity specified in subparagraphs (A)–(D),

''(2) to—

''(A) the employee;

''(B) the employee's legal representative, spouse, dependents, survivors, and next of kin; and

''(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from

otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them,

because of that cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

''(b) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this subtitle.

''(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

''SEC. 3143. ELECTION OF REMEDY.

''(a) BERYLLIUM VENDORS AND ATOMIC WEAPONS EMPLOYERS.—

''(1) If an individual elects to accept compensation under subtitle B with respect to a cancer, beryllium illness, beryllium-related pulmonary condition, or death of an employee, that acceptance of payment shall be in full settlement of all claims—

''(A) against—

''(i) a beryllium vendor or a contractor or a subcontractor of a beryllium vendor;

''(ii) an atomic weapons employer; and

''(iii) an employee, agent, or assign of a beryllium vendor, of a contractor or a subcontractor of a beryllium vendor, or of an atomic weapons employer,

''(B) by—

''(i) that individual;

''(ii) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

''(iii) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from the beryllium vendor, the contractor or the subcontractor of the beryllium vendor, the atomic weapons employer, or the employee, agent, or assign of the beryllium vendor, of the contractor or the subcontractor of the beryllium vendor, or of the atomic weapons employer,

that arise out of that cancer, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

''(2) For purposes of this subsection, atomic weapons employer has the meaning given that term in section 3111(2) and beryllium vendor has the meaning given that term in section 3111(4).

''(b) PAYMENT UNDER SUBTITLE C AND SECTION 3132 OF SUBTITLE D.—If an individual elects to accept payment under subtitle C or section 3132 of subtitle D, that acceptance of payment shall be in full settlement of all claims—

''(1) against—

''(A) the United States;

''(B) any instrumentality of the United States;

''(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

''(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

''(E) an employee, agent, or assign of an entity or individual specified in clauses (A)-(D),

''(2) by—

''(A) that individual;

''(B) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

''(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death for which the payment was made, otherwise entitled to recover damages from an entity or individual specified in subparagraph (1),

that arise out of that illness or death for which the payment was made, in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

''(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

''(d) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this title.

''SEC. 3144. SUBROGATION OF THE UNITED STATES.

''(a) IN GENERAL.—If an illness, disability, or death for which compensation under this title is payable is caused under circumstances creating a legal liability in a person other than the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, apply, except to the extent specified in this title.

''(b) FUND.—For purposes of this section, references in section 8131 and 8132 of title 5, United States Code, to the Employees Compensation Fund mean the Energy Employees Occupational Illness Compensation Fund.

''(c) APPEARANCE OF EMPLOYEE.—For the purposes of this subtitle, the part of section 8131 of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in that section is in an active duty status while so engaged applies only to a Federal employee.

''SEC. 3145. TIME LIMITATION ON FILING A CLAIM.

''(a) IN GENERAL.—A claim under this title must be filed within the later of seven years after the effective date of this title; or—

''(1) for claims under section 3112, seven years after the date the claimant first becomes aware of—

''(A) a diagnosis of a beryllium illness or a beryllium-related pulmonary condition; and

''(B) the causal connection of the claimant's illness or condition to exposure to beryllium in the performance of duty; and

''(2) for claims under other provisions of this title, seven years after the date the claimant first becomes aware of—

''(A) a diagnosis of the illness that is the subject of the claim; and

''(B) the causal connection of the claimant's illness to exposure at a Department of Energy facility or at an atomic weapons employer facility.

''(b) NEW PERIOD.—A new limitations period commences with each later diagnosis of an illness or condition mentioned in subsection (a) different from that previously diagnosed.

''(c) DEATH CLAIM.—If a claim filed for disability under this title meets the requirements of this section, the claim meets the requirements of this section regarding death benefits under this title.

''SEC. 3146. ASSIGNMENT OF CLAIM.

''An assignment of a claim for compensation under this title is void. Compensation and claims for compensation under this title are exempt from claims of creditors.

''SEC. 3147. REVIEW OF AWARD.

''The action of the Director or of the Panel under section 3148 in allowing or denying a payment under this title is not subject to judicial review by mandamus or otherwise.

''SEC. 3148. OCCUPATIONAL ILLNESS COMPENSATION APPEALS PANEL.

''(a) Regulations issued by the Director under this title shall provide for an Occupational Illness Compensation Appeals Panel of three individuals with authority to hear and, subject to applicable law and the regulations of the Director, make final decisions on appeals taken from determinations and awards with respect to claims of employees. Under an agreement between the Director and another Federal agency, a panel appointed by the other Federal agency may provide these appellate decision-making services.

''(b) An individual may appeal to the panel a negative determination of the Director made under section 3114, 3115, 3123, 3131, or 3132.

''SEC. 3149. RECONSIDERATION.

''(a) NEW GUIDELINES.—An employee or employee's survivor may obtain reconsideration of a decision denying coverage under this title if the Director issues new criteria for a beryllium illness or silicosis under section 3112(e), new guidelines for radiation-related cancer under section 3113(a)(1)(C), or new guidelines for other occupational illnesses under section 3131(d)(3). In order to obtain reconsideration, an employee or employee's survivor must submit evidence that is directly relevant to the change in the new criteria or guidelines.

''(b) NEW EVIDENCE.—An employee or employee's survivor may obtain reconsideration of a decision denying an application for benefits or assistance under this title if the employee or employee's survivor has additional medical or other information relevant to the claim that was not reasonably available at the time of the decision and that likely would lead to the reversal of the decision.

''(c) ACTION ON RECONSIDERATION.—The Director, in accordance with the facts found on reconsideration, may—

''(1) end, decrease, or increase the compensation previously awarded; or

''(2) award compensation or assistance previously refused or discontinued.

''SEC. 3150. ATTORNEY FEES.

''Notwithstanding any contract, the representative of an employee or employee's survivor may not receive, for services rendered in connection with the claim of the employee or employee's survivor under this title, more than 10 per centum of a payment made under this title on the claim. A representative who violates this section shall be fined not more than $5,000.

''SEC. 3151. CERTAIN CLAIMS OR PAYMENTS NOT AFFECTED BY AWARDS OF DAMAGES OR FILING A CLAIM.

''A payment made under this title shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on the individual receiving the payment, on the basis of this receipt, to repay any insurance carrier for insurance payments. A payment under this title does not affect a claim against an insurance carrier with respect to insurance. Filing a claim for benefits under this title shall not be considered grounds for termination of insurance payments.

''SEC. 3152. TREATMENT OF PAYMENTS UNDER OTHER LAWS.

''An amount paid to an individual under this title—

''(1) shall not be subject to Federal income tax under the internal revenue laws of the United States;

''(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code or the amount of those benefits; and

''(3) shall not be subject to offset under section 3701 et seq. of title 31, United States Code.

''SEC. 3153. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

''(a) FORFEIT COMPENSATION.—An individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers compensation law, shall forfeit (as of the date of the conviction) any compensation under this title that individual would otherwise be awarded for any illness for which the time of injury was on or before the date of the conviction. This forfeiture shall be in addition to any action the Director takes under sections 8106 or 8129 of title 5, United States Code.

''(b) DEPENDENTS.—

''(1) Notwithstanding any other law, except as provided under paragraph (2), compensation under this title shall not be paid or provided to an individual while the individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to conviction of a felony. After this period of incarceration ends, the individual shall not receive compensation forfeited during the period of incarceration.

''(2) If an individual has one or more dependents as defined under section 8110(a) of title 5, United States Code, the Director may, during the period of incarceration, pay to these dependents a percentage of the compensation under section 3114 that would have been payable to the individual computed according to the percentages set forth in section 8133(a)(1) through (5) of title 5, United States Code.

''(c) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the Director, upon written request from the Director and if the Director requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

''SEC. 3154. CIVIL SERVICE RETENTION RIGHTS.

''If a Federal employee found to be disabled under subtitle B resumes employment with the Federal Government, the employee shall be entitled to the rights set forth in section 8151 of title 5, United States Code.

''SEC. 3155. CONSTRUCTION.

''(a) AUTHORITY OF THE DIRECTOR UNDER OTHER LAWS.—For purposes of this title, the Director has the same authority or obligation, if any, under a law referenced in this title as the Secretary of Labor has under that law.

''(b) REGULATIONS.—After the Director issues regulations to implement this title, a regulation under a law referenced in this title applies to the Office and the Director as it applies to the Department of Labor and the Secretary of Labor, unless in the implementing regulations the Director modifies or disavows that regulation for the purposes of this title.

''SEC. 3156. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND.

''(a) FUND.—To carry out this title, there is hereby created in the Treasury of the United States the Energy Employees Occupational Illness Compensation Fund, which shall consist of—

''(1) sums that are appropriated for it;

''(2) amounts that are transferred to it from other Department of Energy accounts pursuant to section 3157(a); and

''(3) amounts that would otherwise accrue to it under this title.

''(b) USE OF FUND.—Amounts in the Fund may be used for the payment of compensation under this title and other benefits and expenses authorized by this title and for payment of all expenses incurred in administering this title. These funds may be appropriated to remain available until expended.

''(c) COST DETERMINATIONS.—

''(1) Within 45 days of the end of every quarter of every fiscal year, the Director shall determine the total costs of compensation, benefits, administrative expenses, and other payments made from the Fund during the quarter just ended; the end-of-quarter balance in the Fund; and the amount anticipated to be needed during the immediately succeeding two quarters for the payment of compensation, benefits, and administrative expenses under this title.

''(2) Each cost determination made in the last quarter of the fiscal year under paragraph (1) shall show, in addition, the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expense period and an estimate of the expenditures from the Fund for the payment of compensation, benefits, administrative expenses, and other payments for each of the immediately succeeding two fiscal years.

''SEC. 3157. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Energy for deposit into the Fund such sums as are necessary to carry out the purposes of this title. In addition, the Secretary of Energy may, to the extent provided in advance in appropriations Acts, transfer amounts to the Fund from other Department of Energy appropriations accounts, to be merged with amounts in the Fund and available for the same purposes.

''(b) LIMITS ON COMPENSATION.—In any fiscal year, the Director shall limit the amount of the compensation under this title, benefits payments, and payment of administrative expenses to an amount not in excess of the sum of the appropriations to the Fund and amounts made available by transfer to the Fund.

''(c) TIME FOR REGULATIONS.—The Director shall promulgate regulations to implement subsection (b) within 180 days of the date of the enactment of this title.

''SEC. 3158. EFFECTIVE DATE.

''This title is effective upon enactment, and applies to all claims, civil actions, and proceedings pending on, or filed on or after, the date of the enactment of this title.''.

(b) WHISTLEBLOWERS.—Section 211(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended—

(1) in subparagraph (E), by striking ''or;'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) after subparagraph (F), by inserting the following new subparagraph:

''(G) filed an application for benefits or assistance under title XXXI of the Energy Policy Act of 1992.''.

(c) FALSE STATEMENT OR FRAUD.—(1) Section 1920 of title 18, United States Code, is amended by inserting after ''title 5'' the following: ''or title XXXI of the Energy Policy Act of 1992''.

(2) The heading of such section is amended to read as follows:

''§ 1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation''.

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

''1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation.''.

(d) RECEIVING COMPENSATION AFTER MARRIAGE.—(1) Section 1921 of title 18, United States Code, is amended by inserting after ''title 5'' the following: ''or title XXXI of the Energy Policy Act of 1992''.

(2) The heading of such section is amended to read as follows:

''§ 1921. Receiving Federal employees' or Energy employees' compensation after marriage''.

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

''1921. Receiving Federal employees' or Energy employees' compensation after marriage.''.

(e) TABLE OF CONTENTS.—The Table of Contents in section 1(b) of the Energy Policy Act of 1992 is amended by inserting after the items related to title XXX the following new items:

''TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

''Subtitle A—General Definitions and Administrative Office

''Sec. 3101. Definitions.
''Sec. 3102. Occupational Illness Compensation Office.

''Subtitle B—Beryllium, Silicosis, and Radiation

''Sec. 3111. Definitions.
''Sec. 3112. Eligibility of workers exposed to beryllium or silica.
''Sec. 3113. Eligibility of workers exposed to radiation.
''Sec. 3114. Compensation for disability or death, medical services, and vocational rehabilitation.
''Sec. 3115. Lump sum compensation.
''Sec. 3116. Adjudication.

''Subtitle C—Gaseous Diffusion Employees Exposure Compensation

''Sec. 3121. Definitions.
''Sec. 3122. Eligible employees.
''Sec. 3123. Determination and payment of claims.

''Subtitle D—Energy Workers Exposed to Other Hazardous Materials

''Sec. 3131. Workers exposed to other hazardous materials.
''Sec. 3132. Panel-examined Oak Ridge workers.

''Subtitle E—General Provisions

''Sec. 3141. Dual benefits.
''Sec. 3142. Exclusive remedy under subtitle B against the United States, contractors, and subcontractors.
''Sec. 3143. Election of remedy.
''Sec. 3144. Subrogation of the United States.
''Sec. 3145. Time limitation on filing a claim.
''Sec. 3146. Assignment of claim.
''Sec. 3147. Review of award.
''Sec. 3148. Occupational Illness Compensation Appeals Panel.
''Sec. 3149. Reconsideration.
''Sec. 3150. Attorney fees.
''Sec. 3151. Certain claims not affected by awards of damages or filing a claim.
''Sec. 3152. Treatment of payments under other laws.
''Sec. 3153. Forfeiture of benefits by convicted felons.
''Sec. 3154. Civil Service retention rights.
''Sec. 3155. Construction.
''Sec. 3156. Occupational Illness Compensation Fund.
''Sec. 3157. Authorization of appropriations.
''Sec. 3158. Effective date.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. HILL OF INDIANA

At the end of title XXVIII (page ____, after line ____), insert the following new section:

SEC. ___. ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY AVAILABLE OUTSIDE OF BASE CLOSURE PROCESS.

(a) AUTHORITY TO MAKE CONVEYANCES.—Section 2391 of title 10, United States Code, is amended—

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

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

''(c) ECONOMIC DEVELOPMENT CONVEYANCES.—(1) In the case of a military installation to be closed or realigned pursuant to a law or authority other than a base closure law, the Secretary of Defense may transfer real property and personal property located at the military installation to the recognized redevelopment or reuse authority for the installation for purposes of job generation on the installation.

''(2) The transfer of property of a military installation under paragraph (1) shall be without consideration if the redevelopment or reuse authority with respect to the installation—

''(A) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment or reuse authority during at least the first seven years after the date of the transfer under paragraph (1) shall be used to support the economic redevelopment of, or related to, the installation; and

''(B) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(3) For purposes of paragraph (2), the use of proceeds from a sale or lease described in such paragraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

''(A) Road construction.

''(B) Transportation management facilities.

''(C) Storm and sanitary sewer construction.

''(D) Police and fire protection facilities and other public facilities.

''(E) Utility construction.

''(F) Building rehabilitation.

''(G) Historic property preservation.

''(H) Pollution prevention equipment or facilities.

''(I) Demolition.

''(J) Disposal of hazardous materials generated by demolition.

''(K) Landscaping, grading, and other site or public improvements.

''(L) Planning for or the marketing of the development and reuse of the installation.

''(4) The Secretary may recoup from a redevelopment or reuse authority such portion of the proceeds from a sale or lease described in paragraph (2) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in paragraph (2).''.

(b) BASE CLOSURE LAWS.—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

''(4) The term 'base closure law' means—

''(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); or

''(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) RETROACTIVE APPLICATION.—Notwithstanding section 2843 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2216), the authority provided in section 2391(c) of title 10, United States Code, as added by subsection (a)(2), shall apply with respect to the conveyance of the Indiana Army Ammunition Plant in Charlestown, Indiana, authorized by such section 2843.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. HOEFFEL OF PENNSYLVANIA

At the end of title II (page ____, after line ____), insert the following new section:

SEC. ___. DARPA STUDY AND REPORT ON FEASIBILITY OF ADAPTING DEFENSE TECHNOLOGIES TO IMPROVE THE MOBILITY AND QUALITY OF LIFE OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

(a) STUDY REQUIRED.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall conduct a study on the feasibility of adapting defense technologies to improve the mobility and quality of life of elderly individuals and individuals of all ages with disabilities. In carrying out the study, the Secretary, acting through the Director, shall draw upon and build upon the existing knowledge base, including public and private reports and expertise.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary, acting through the Director, shall submit to the congressional committees specified in subsection (d) a report containing the results of the study.

(c) CONTENTS OF REPORT.—The report submitted under subsection (b) shall—

(1) identify each defense technology that could, with appropriate adaptations, be transferred to the private sector and incorporated into commercially available products for use by the individuals referred to in subsection (a) to improve their quality of life; and

(2) include, for each technology identified under paragraph (1)—

(A) a description of the capabilities of the technology to improve the quality of life of such individuals;

(B) an estimate of the costs of the adaptation, transfer, and incorporation referred to in paragraph (1);

(C) information identifying the Federal officer responsible for responding to inquiries about any such adaptation, transfer, and incorporation; and

(D) an assessment of the various alternatives available to provide for such adaptation, transfer, and incorporation, including alternatives such as cooperative research and development agreements, aid to startup companies, and Small Business Innovation Research programs.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (b) are—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Science of the House of Representatives.

(e) DEFENSE TECHNOLOGY DEFINED.—For purposes of this section, the term ''defense technology'' means a technology the research and development of which is funded by the Department of Defense and carried out, in whole or in part, by—

(1) the Department of Defense;

(2) any other Federal department or agency; or

(3) a laboratory (as that term is defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. RODRIGUEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

SEC. 343. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) GRANTS AUTHORIZED.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

''§ 2199. Quality of life education facilities grants

''(a) REPAIR AND RENOVATION ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

''(A) an impacted school facility that is used by significant numbers of military dependent students; or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

''(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

''(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

''(b) MAINTENANCE ASSISTANCE.—(1) The Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

''(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $250,000 during any fiscal year.

''(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

''(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

''(2) The additional eligibility requirements referred to in paragraph (1) are the following:

''(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who

were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(C) The State education system and the local educational agency are one and the same.

''(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for a grant under subsection (a), subsection (b), or both subsections.

''(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

''(f) GRANT CONSIDERATIONS.—In determining which eligible local educational agencies will receive a grant under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

''(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

''(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

''(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

''(4) The repair or renovation of facilities is needed to address any of the following conditions:

''(A) The condition of the facility poses a threat to the safety and well-being of students.

''(B) The requirements of the Americans with Disabilities Act.

''(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

''(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

''(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

''(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

''(7) The age of facility to be repaired or renovated.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL EDUCATIONAL AGENCY.—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)).

''(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

''(A) that is used to provide elementary or secondary education at or near a military installation; and

''(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

''(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

''(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.

''(h) FUNDING SOURCE.—Grants under this section shall be made using funds made available to carry out this section.''.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

''2199. Quality of life education facilities grants.
''2199a. Definitions.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

''111. Support of Education ..... 2191''.

AMENDMENT TO H.R. 4205, AS REPORTED
OFFERED BY MR. GONZALEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

SEC. 343. LOAN GUARANTEE PROGRAM FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) LOAN GUARANTEE PROGRAM.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

''§ 2199. Quality of life education facilities loan guarantees

''(a) MAINTENANCE, REPAIR AND RENOVATION.—(1) The Secretary of Defense may carry out a loan guarantee program to assist an eligible local educational agency to maintain, repair, and renovate—

''(A) an impacted school facility that is used by significant numbers of military dependent students; or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

''(2) Authorized purposes for which loans guaranteed under the program may be used include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

''(b) LOAN GUARANTEES.—Under the loan guarantee program, the Secretary may guarantee the repayment of any loan made to an eligible local educational agency to fund, in whole or in part, activities described in subsection (a).

''(2) 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).

''(3) The total loan amount guaranteed under subsection (a) for an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

''(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

''(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

''(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

''(2) The additional eligibility requirements referred to in paragraph (1) are the following:

''(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

''(C) The State education system and the local educational agency are one and the same.

''(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for loan guarantees under subsection (a).

''(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a loan guarantee under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

''(f) CONSIDERATIONS.—In determining which eligible local educational agencies will receive a loan guarantee under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

''(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

''(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

''(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

''(4) The repair or renovation of facilities is needed to address any of the following conditions:

''(A) The condition of the facility poses a threat to the safety and well-being of students.

''(B) The requirements of the Americans with Disabilities Act.

''(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

''(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

''(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

''(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

''(7) The age of facility to be repaired or renovated.

''(g) DEFINITIONS.—In this section:

''(1) LOCAL EDUCATIONAL AGENCY.—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)).

''(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

''(A) that is used to provide elementary or secondary education at or near a military installation; and

''(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

''(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

''(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.''.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

''2199. Quality of life education facilities loan guarantees.
''2199a. Definitions.''.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

''111. Support of Education ..... 2191''.

(c) REPORT REQUIRED.—The Secretary of Defense and the Secretary of Education shall jointly submit to Congress a report evaluating the need for a loan guarantee program of the type established by section 2199 of title 10, United States Code, as added by subsection (a), for all federally impacted school districts.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BERMAN OF CALIFORNIA

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. 1205. SUPPORT FOR PROGRAMS TO PROMOTE INFORMAL REGION-WIDE DIALOGUES ON ARMS CONTROL AND REGIONAL SECURITY ISSUES FOR ARAB, ISRAELI, AND UNITED STATES OFFICIALS AND EXPERTS.

(a) SUPPORT FOR REGIONAL DIALOGUES.—The amount provided in section 301(5) for Defense-wide activities is hereby increased by $1,000,000, to be available, through the Office of the Assistant Secretary of Defense for International Security Affairs, only to support current and established programs, conducted since 1993, to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts.

(b) OFFSET.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby reduced by $1,000,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ANDREWS OF NEW JERSEY OR MR. WELDON OF PENNSYLVANIA

At the end of division A (page ____, after line ____), insert the following new title:

TITLE XVI—PROVISIONS RELATING TO CYBERTERRORISM PREVENTION

SEC. 1601. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire and electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of that title is amended to read as follows:

''(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

''(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''.

(2) CONTENTS OF ORDER.—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) NONDISCLOSURE REQUIREMENTS.—Subsection (d)(2) of that section is amended—

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking ''or who has been ordered by the court'' and inserting ''or applied or who is obligated by the order''.

(c) EMERGENCY INSTALLATION.—Section 3125(a)(1) of that title is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

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

''(C) immediate threat to the national security interests of the United States;

''(D) immediate threat to public health or safety; or

''(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,''.

(d) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Paragraph (3) of that section is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of that section is amended—

(A) by inserting ''or process'' after ''a device''; and

(B) by striking ''of an instrument'' and all that follows through the end and inserting ''or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;''.

SEC. 1602. MODIFICATION OF PROVISIONS RELATING TO FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

(a) PENALTIES.—Subsection (c) of section 1030 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting ''except as provided in subparagraphs (B) and (C),'' before ''a fine'';

(ii) by striking ''(a)(5)(C),'' and inserting ''(a)(5),''; and

(iii) by striking ''and'' at the end;

(B) in subparagraph (B)—

(i) by inserting ''or an attempt to commit an offense punishable under this subparagraph,'' after ''subsection (a)(2),'' in the matter preceding clause (i); and

(ii) by adding ''and'' at the end; and

(C) by striking subparagraph (C) and inserting the following new subparagraph (C):

''(C) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A) or (a)(5)(B), or an attempt to commit an offense punishable under this subparagraph, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(i) loss to one or more persons during any one-year period (including loss resulting from a related course of conduct affecting one or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety; or

''(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security; and'';

(2) by redesignating subparagraph (B) of paragraph (3) as paragraph (4);

(3) in paragraph (3)—

(A) by striking ''(A)'' at the beginning; and

(B) by striking '', (a)(5)(A), (a)(5)(B),''; and

(4) in paragraph (4), as designated by paragraph (2) of this subsection, by striking ''(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C),'' and inserting ''(a)(2), (a)(3), (a)(4), (a)(6),''.

(b) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States'' before the semicolon;

(2) in paragraph (7), by striking ''and'' at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) the term 'damage' means any impairment to the integrity, availability, or confidentiality of data, a program, a system, or information;'';

(4) in paragraph (9), by striking the period at the end and inserting ''; and''; and

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

''(10) the term 'conviction' shall include an adjudication of juvenile delinquency for a violation of this section; and

''(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost or cost incurred because of interruption of service.''.

(c) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of that section is amended in the second sentence by striking ''involving damage'' and all that follows through the period and inserting ''of subsection (a)(5) shall be limited to loss unless such action includes one of the elements set forth in clauses (ii) through (v) of subsection (c)(2)(C).''.

(d) CRIMINAL FORFEITURE.—That section is further amended by adding at the end the following new subsection:

''(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, may order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) the interest of such person in any property, whether real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsection (d) of that section.''.

(e) CIVIL FORFEITURE.—That section, as amended by subsection (d) of this section, is further amended by adding at the end the following new subsection:

''(j)(1) The following shall be subject to forfeiture to the United States, and no property right shall exist in them:

''(A) Any property, whether real or personal, that is used or intended to be used to commit or to facilitate the commission of any violation of this section.

''(B) Any property, whether real or personal, that constitutes or is derived from proceeds traceable to any violation of this section.

''(2) The provisions of chapter 46 of this title relating to civil forfeiture shall apply to any seizure or civil forfeiture under this subsection.''.

SEC. 1603. JUVENILE DELINQUENCY.

Clause (3) of the first paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking ''or'' before ''section 1002(a)'';

(2) by striking ''or'' before ''section 924(b)''; and

(3) by inserting after ''or (h) of this title,'' the following: ''or section 1030(a)(1), (a)(2)(B), or (a)(3) of this title, or is a felony violation of section 1030(a)(5) of this title where such violation of such section 1030(a)(5) is punishable under clauses (ii) through (v) of section 1030(c)(2)(C) of this title,''.

SEC. 1604. AMENDMENT TO SENTENCING GUIDELINES.

Section 805(c) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 28 U.S.C. 994 note) is amended by striking ''paragraph (4) or (5)'' and inserting ''paragraph (4) or a felony violation of paragraph (5)(A)''.

AMENDMENT TO H.R. 4205, AS REPORTED.

OFFERED BY MR. BACA OF CALIFORNIA

At the end of title X (page ____, after line ____), insert the following new section:

SEC. 1038. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting ''the metal content of which is 90 percent gold and 10 percent alloy and'' after ''appropriate design,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any award of the Medal of Honor after the date of the enactment of this Act.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. FRANK OF MASSACHUSETTS

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. 1205. SENSE OF CONGRESS CONCERNING BURDEN SHARING BY EUROPEAN ALLIES OF THE UNITED STATES.

It is the sense of Congress that—

(1) the United States continues to carry a disproportionate share of military responsibilities in Europe and worldwide;

(2) Congress welcomes the initiative of the European allies of the United States to create an integrated military force that would be capable of responding to threats within Europe in cases in which the North Atlantic Treaty Organization as such is not engaged; and

(3) whenever there is a military operation in Europe involving those allies and the United States, those allies should have primary responsibility for providing the ground forces for the operation.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ABERCROMBIE OF HAWAII

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. UNUSED PORTION OF LOW-INCOME HOUSING CREDIT FINANCED WITH TAX EXEMPT BONDS USED FOR CONSTRUCTION OF MILITARY HOUSING.

(a) IN GENERAL.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY HOUSING BUILDING.—For purposes of this section—

''(1) IN GENERAL.—A qualified military housing building shall be treated as a new qualified low-income housing building.

''(2) APPLICABLE PERCENTAGE AND QUALIFIED BASIS.—The applicable percentage for the qualified military housing building shall be determined under subsection (b)(2) in a manner to yield the credit amount described in subsection (b)(2)(B)(ii). The qualified basis of such building shall be the basis determined under subsection (d)(1).

''(3) QUALIFIED MILITARY HOUSING BUILDING.—The term 'qualified military housing building' means military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the compliance period.

''(4) MILITARY FAMILY HOUSING AND MILITARY UNACCOMPANIED HOUSING.—The terms 'military family housing' and 'military unaccompanied housing' have the same meanings as when used in subchapter IV of chapter 169 of title 10, United States Code.''.

(b) USE OF TAX EXEMPT BONDS FOR MILITARY HOUSING PROJECTS.—

(1) IN GENERAL.—Subsection (d) of section 142 of such Code (relating to exempt facility bonds) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) SPECIAL RULE FOR QUALIFIED MILITARY HOUSING PROJECTS.—For purposes of paragraph (1)—

''(A) IN GENERAL.—A qualified military housing project shall be treated as a qualified residential rental project.

''(B) QUALIFIED MILITARY HOUSING PROJECT DEFINED.—The term 'qualified military housing project' means a project for military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the qualified project period.''.

(2) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—Section 146 of such Code (relating to the volume cap) is amended by adding at the end the following new subsection:

''(n) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—An issuer shall not allocate an amount for a qualified military housing project (within the meaning of section 142(d)(7)) for a year unless the issuer certifies that such amount is not needed for residential rental projects that are not qualified military housing projects for that year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service and bonds issued after December 31, 1999.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BLAGOJEVICH OF ILLINOIS

Strike title XV and insert the following:

SEC. 1501. CONVEYANCE OF FEDERAL LAND IN AND AROUND VIEQUES ISLAND, PUERTO RICO, TO THE COMMONWEALTH OF PUERTO RICO.

Section 8 of the Puerto Rican Federal Relations Act (48 U.S.C. 749) is amended by adding at the end the following: ''In addition, 60 days after the Governor submits to the President, the Senate, and the House of Representatives a plan for the use for public purposes of all Federal property that is on or within one mile surrounding Vieques Island and not transferred to the control of the Government of Puerto Rico before the date of the enactment of this sentence, all such property shall be conveyed to the Government of Puerto Rico to be maintained and administered in accordance with such plan without consideration. For the purposes of such plan, public purpose shall include public benefit uses applicable to Guam under the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116). Any Federal agency using or exercising control over any lands or facilities so conveyed shall be responsible for the removal and cleanup of any toxic or hazard material related to such lands or facilities.''.

SEC. 1502. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) ASSISTANCE AUTHORIZED.—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) 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.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. CONDIT OF CALIFORNIA

At the end of title V (page ____, after line ____), insert the following new section:

SEC. ___. ENTITLEMENT OF MILITARY RETIREES TO BENEFITS PROMISED UPON ACCESSION.

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

"§ 1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section

''(a) EXPLANATION OF RETIREMENT BENEFITS.—In the case of any person who first becomes a member of the armed forces on or after the date of the enactment of this section, the Secretary concerned shall ensure that the person, upon first becoming a member of the armed forces, is provided a written statement describing the benefits that, under then-current laws and regulations, will be provided to that person if that person is subsequently retired from the armed forces. Such statement shall be in clear and concise language and shall explain any limitation or qualification on the receipt of those benefits (such as, in the case of medical and dental care, the availability of staff and facilities). However, any such limitation or qualification may not include a statement of reservation of the right to change any such benefit (either by law or regulation).

''(b) ENTITLEMENT TO RETIREMENT BENEFITS.—Any person who receives a statement of retirement benefits under subsection (a) and who subsequently retires from the armed forces shall be entitled, upon that retirement, to the benefits as described in that statement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1031 the following new item:

''1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. COX OF CALIFORNIA OR MR. DICKS OF WASHINGTON

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. END-USE VERIFICATION FOR USE BY CERTAIN COUNTRIES OF HIGH-PERFORMANCE COMPUTERS.

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an agreement with each country described in subsection (c) to revise the existing verification system with that country with respect to end-use verification for high-performance computers exported or to be exported to that country so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) CONSEQUENCE OF FAILURE TO ESTABLISH REVISED VERIFICATION SYSTEM.—If a revised verification system described in subsection (a) is not agreed to by a country described in subsection (c) by September 1, 2001, then until such a system is agreed to by that country—

(1) each license for the export of a high-performance computer to that country shall include a requirement for on-site inspection of the end-use and the end-user, without notice, by United States nationals designated by the United States Government and, in the absence of this requirement, the license shall be denied; or

(2) the President may certify to the congressional committees designated in section 1215 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) that other appropriate measures, similar to and of equal or greater effectiveness as the system described in subsection (a), have been taken to establish an open and transparent system for effective end-use verification for high-performance computers exported to that country, or to protect the national security in the absence of such a system.

(c) COUNTRIES DESCRIBED.—A country referred to in subsections (a) and (b) is a country—

(1) to which exports of high-performance computers are subject to section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note); and

(2) that has denied more than 50 percent of the requests for post-shipment verifications under section 1213 of that Act.

(d) DEFINITION.—As used in this section, the term ''high-performance computer'' means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(e) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by inserting before the period the following: '', with reference both to the utility of computers of particular performance levels for nuclear weapons, other weapons of mass destruction, and other military applications, and to the commercial availability of computers and components from sources outside the jurisdiction of the United States''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. 1205. PERSIAN GULF SECURITY COST FAIRNESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the several key oil-producing countries that relied on the United States for their military protection in 1990 and 1991, including during the Persian Gulf conflict, and continue to depend on the United States for their security and stability, should share in the responsibility for that stability and security commensurate with their national capabilities; and

(2) the countries of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) have the economic capability to contribute more toward their own security and stability and therefore these countries should contribute commensurate with that capability.

(b) EFFORTS TO INCREASE BURDENSHARING BY COUNTRIES IN THE PERSIAN GULF REGION BENEFITTING FROM UNITED STATES MILITARY PRESENCE.—The President shall seek to have each country in the Persian Gulf region to which the United States extends military protection (either through security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any country in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States for stationing United States military personnel in that country, with the goal of achieving by September 30, 2003, 75 percent of such costs. An increase in financial contributions by any country under this paragraph may include the elimination of taxes, fees, or other charges levied on the United States military personnel, equipment, or facilities stationed in that country.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to military activities in the Persian Gulf region.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any country, or in response to a failure by any country to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent or part-time duty in the Persian Gulf region.

(2) Impose on those countries fees or other charges similar to those that such countries impose on United States forces stationed in such countries.

(3) Suspend, modify, or terminate any bilateral security agreement the United States has with that country, consistent with the terms of such agreement.

(4) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that country.

(5) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 2001, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other countries to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in section subsection (c), to achieve the actions described in subsection (b);

(3) the difference between the amount allocated by other countries for each of the actions described in subsection (b) during the period beginning on October 1, 2000, and ending on September 30, 2001, and during the period beginning on October 1, 2001, and ending on September 30, 2002; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REVIEW AND REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—

(1) REVIEW.—In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The requirements that are to be found in agreements between the United States and the allies of the United States in the Persian Gulf region.

(B) The national security interests that support permanent stationing of elements of the Armed Forces outside the United States.

(C) The stationing costs associated with forward deployment of elements of the Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States in the Persian Gulf region make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States in the Persian Gulf region make to meeting the stationing costs associated with the forward deployment of elements of the Armed Forces.

(H) The annual expenditures of the United States and its allies in the Persian Gulf region on national defense, and the relative percentages of each country's gross domestic product constituted by those expenditures.

(2) REPORT.—The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 2001, in classified and unclassified form.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle D of title I (page ____, after line ____), insert the following new section:

SEC. 132. REDUCTION IN FUNDS FOR F–22 PROGRAM.

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $1,038,050,000, to be derived from the F–22 aircraft program, of which—

(1) $840,000,000 shall be derived from amounts for low-rate initial production; and

(2) $198,050,000 shall be derived from amounts for advance procurement.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following:

SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representatives to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

''(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may scrap a vessel in a foreign country under subsection (c) only if—

''(1) such Secretary removes all transformers and large and low voltage capacitors that contain dielectric fluids with PCBs in any concentrations and all hydraulic and heat transfer fluids containing PCBs;

''(2) such Secretary removes all solid items containing PCBs, to the extent that the solid items are readily removable and their removal does not jeopardize the structural integrity of the ship or the ability of the vessel to be operated in a seaworthy manner for delivery to the location where it will be scraped;

''(3) such Secretary or the purchaser of the vessel notifies the Administrator of the Environmental Protection Agency at least 45 days before the vessel is exported for scrapping, stating—

''(A) the name and contact information for the person arranging for the export of the vessel;

''(B) the country to which the vessel is being exported;

''(C) the name and contact information of the person conducting any PCB removal activities;

''(D) the vessel name and official number; and

''(E) the estimated date of export;

''(4) such Secretary certifies that the place in which the vessel is scraped has adequate measures to ensure that the environment is not degraded and the health and livelihood of nearby communities are not put at risk;

''(5) such Secretary certifies that shipbreaking workers are given adequate workplace protections and the conditions of work minimize the risk of occupational injury and disease to the workers; and

''(6) such Secretary certifies that shipbreaking workers' living facilities are hygenic and not contaminated by the shipbreaking activities; and

''(7) such Secretary certifies that removal and disposal of all hazardous materials from the vessel in the foreign country are done in a safe and environmentally sound manner.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following (and redesignate accordingly):

SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representatives to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

SEC. . REPEAL OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING RETURN REQUIREMENT.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (A) by adding ''and'' after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

''(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may not scrap a vessel outside of the United States under subsection (c) except in compliance with all Federal laws relating to environmental protection, labor, and safety that would apply to scrapping of the vessel inside the United States.''.

AMENDMENT TO H.R. 4205, 1AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. DEGETTE OF COLORADO

At the end of title II (page ____, after line ____), insert the following new section:

SEC. ___. AMOUNTS FOR ENVIRONMENTAL TECHNOLOGY.

Of amounts made available pursuant to an authorization of appropriations in section 201, amounts shall be available for environmental technology projects as follows:

(1) Of the amount for the Army pursuant to section 201(1), not less than $25,000,000 and not more than $94,000,000.

(2) Of the amount for the Navy pursuant to section 201(2), not less than $86,000,000 and not more than $105,800,000.

(3) Of the amount for the Air Force pursuant to section 201(3), not less than $6,000,000 and not more than $8,200,000.

(4) Of the amount for Defense-wide activities pursuant to section 201(4), not less than $77,000,000 and not more than $80,400,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. KUCINICH OF OHIO

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. REPORT ON USE OF CLUSTER MUNITIONS DURING KOSOVO CONFLICT.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the use by the United States Armed Forces of cluster munitions during the Kosovo conflict beginning on March 26, 1999.

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

(1) An inventory of all kinds of cluster munitions that were used and expended throughout the Kosovo conflict.

(2) Specific criteria for targets selected.

(3) A time line of the use of those munitions.

(4) An assessment of the effectiveness of different types of targets.

(5) Any reported incidents of cluster munitions malfunctions.

(6) A list of incidents reported involving unexploded munitions.

(7) An estimate of the number of civilians maimed or killed by such munitions.

(8) Specific deficiencies in cluster munitions.

(9) Specific advantages of cluster munitions.

(10) An estimate of the effectiveness of different munitions.

(11) The dud rate for each munition used, shown both for the usage of that munition in Kosovo and for the general usage of that munition.

(12) A comparison of the use of cluster munitions by the United States with the use of such munitions by forces of the United Kingdom.

(13) A cost-benefit analysis of reducing the dud rate of cluster munitions.

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

(1) The term ''cluster munition'' means an air-launched submunition dispensing system.

(2) The term ''dud rate'' means the rate of failure.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY REPRESENTATIVE ZOE LOFGREN

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 1038. SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.

Section 1513(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) is amended—

(1) by inserting ''(1)'' before ''Notwithstanding''; and

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

''(2) Paragraph (1) does not apply to a satellite or related item if the Secretary of Commerce determines that—

''(A) the satellite or related item is intended for basic or applied research in science and engineering; and

''(B) the resulting information is ordinarily published and shared broadly within the scientific community.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of section 232 (page 40, after line 2), insert the following new subsection:

(d) STRATEGIC STABILITY WITH TRADING PARTNERS.—It is the policy of the United States that a national missile defense system should not be deployed against ballistic missiles from any nation that is a member of the World Trade Organization or that has permanent normal trade relations with the United States.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. PETERSON OF MINNESOTA

At the end of title V (page ____, after line ____), insert the following new section:

SEC. 557. SEPARATION AND RETIREMENT OF NATIONAL GUARD MILITARY TECHNICIANS ON SAME BASIS ON RESERVE TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws

''(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

''(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated not later than 30 days after the date on which dual status is lost.

''(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

''(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

''(ii) apply for a civil service position that is not a technician position.

''(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force as a non-dual status technician, the technician—

''(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

''(ii) shall be separated or retired—

''(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

''(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

''(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

''(A) being separated from the Selected Reserve; or

''(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

''(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is eligible for an unreduced annuity shall be separated not later than six months after the date of the enactment of this section.

''(2)(A) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

''(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

''(ii) apply for a civil service position that is not a technician position.

''(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician, the technician—

''(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

''(ii) shall be separated or retired—

''(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

''(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

''(3) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

''(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

''(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

''(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

''(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).''.

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

''10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws.''.

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10219 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting ''six months'' for ''30 days''.

(b) EARLY RETIREMENT.—Section 8414(c)(1) of title 5, United States Code, is amended by striking ''reserve'' after ''as a military''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of subtitle C of title II (page 42, after line 19), insert the following new section:

SEC. 236. DIPLOMATIC INITIATIVE WITH NORTH KOREA FOR NEGOTIATION OF END TO ITS BALLISTIC MISSILE PROGRAM.

Of the amount available for the Ballistic Missile Defense Organization pursuant to the authorization of appropriations in section 201(4), not less than $1,000,000 shall be available for the development of a diplomatic initiative with North Korea for negotiation of end to its ballistic missile program.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of title III (page 82, after line 14), insert the following new section:

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR COMBATTING AIDS IN AFRICA AND AROUND THE WORLD.

(a) AIDS PROGRAM.—The Secretary of Defense shall carry out a program to support activities to combat the acquired immune deficiency syndrome (AIDS) in Africa and around the world. Such support may include the purchase of medicines, provision of transportation, furnishing personnel to dispense medications, and assistance in the development of public health infrastructure.

(b) FUNDS.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby increased by $283,000,000.

(c) OFFSET.—The amount provided in section 201(4), and the amount provided in section 231, are each reduced by $283,000,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of section 231 (page 39, after line 10), insert the following new sentence: ''The amount provided in section 201(4), and the amount provided in the preceding sentence, are each reduced by $283,000,000.''.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. SKELTON OF MISSOURI

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 ''45''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 45-DAY PERIOD.—The 45-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 more than 3 days to a day certain or 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.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. STARK OF CALIFORNIA

At the end of title X (page 324, after line 11), insert the following new section:

SEC. 10___. CODIFICATION AND EXTENSION OF LIMITATIONS ON DEPARTMENT OF DEFENSE PARTICIPATION IN AND SUPPORT FOR OVERSEAS AIR SHOWS AND TRADE EXHIBITIONS.

(a) CODIFICATION AND STRENGTHENING OF LIMITATIONS.—(1) Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors

''(a) PROHIBITION ON MILITARY PARTICIPATION.—The Secretary of Defense and the Secretary of a military department may not—

''(1) authorize the participation by the armed forces in an airshow or trade exhibition held outside the United States (other than the support authorized in subsection (b)); or

''(2) use the training or readiness requirements of the armed forces in order to provide support indirectly for any such airshow or trade exhibition.

''(b) LIMITATION ON SUPPORT FOR CONTRACTOR PARTICIPATION.—The Secretary of Defense, and the Secretaries of the military departments with respect to their respective departments, may, upon the request of a business firm or industrial association, provide support to that firm or association at an airshow or trade exhibition to be held outside the United States in the form of the display or demonstration of military equipment if the firm or association agrees to reimburse the United States for all incremental costs of the Department of Defense for that support.

''(c) INCREMENTAL COSTS.—Incremental costs for purposes of subsection (b) are the following:

''(1) All incremental costs of military personnel accompanying the equipment or assisting the firm or association in the display or demonstration of the equipment, including costs of food, lodging, and local transportation.

''(2) All incremental transportation costs incurred in moving the equipment from its normally assigned location to the airshow or trade exhibition and return.

''(3) Any other miscellaneous incremental cost (such as insurance costs or ramp fees)

not covered by paragraph (1) or (2) that is incurred by the United States but would not have been incurred had the Department of Defense not provided support to the firm or industrial association under subsection (b).''.

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

''2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors.''.

(b) REPEAL OF EXISTING LIMITATIONS.—Section 1082 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is repealed.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MRS. TAUSCHER OF CALIFORNIA

At the end of title XII (page ____, after line ____), insert the following new section:

SEC. ___. ADJUSTMENT OF CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS SUBJECT TO EXPORT CONTROLS.

(a) REDUCTION IN CONGRESSIONAL REVIEW PERIOD.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended in the second sentence by striking ''180'' and inserting ''30''.

(b) EFFECTIVE DATE.—The amendment 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 January 1, 2000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. VITTER OF LOUISIANA, MR. TAUZIN OF LOUISIANA, OR MR. JEFFERSON OF LOUISIANA

At the end of title II (page ____, after line ____), insert the following new section:

SEC. ___. NAVY SINGLE INTEGRATED HUMAN RESOURCE STRATEGY.

Notwithstanding any other provision of this Act, of the funds provided for Research, Development, Test, and Evaluation, Navy, $10,792,000 shall be made available for the Navy Single Integrated Human Resource Strategy, business process re-engineering of Navy and Navy Reserve legacy systems and software and technology interoperability and reliability. These funds shall be made available by a reduction of $10,792,000 in Program Element 0604231N, Tactical Command System, Research, Development, Test, and Evaluation, Navy.

___

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DICKS OF WASHINGTON

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

SEC. ___. WAIVER AUTHORITY FOR DISCONTINUATION OF PRODUCTION OF D–5 MISSILE.

(a) WAIVER AUTHORITY FOR D–5 PROGRAM TERMINATION.—The Secretary of Defense may waive the provisions of this Act specified in subsection (b) upon submitting to the congressional defense committees a certification in writing that such a waiver is in the national security interests of the United States.

(b) PROVISIONS SUBJECT TO WAIVER.—Subsection (a) applies to provisions of this Act providing the following:

(1) That 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.

(2) That 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.—The amount provided in section 102 for weapons procurement for the Navy is hereby increased by $472,900,000, to be available for procurement of Trident II (D–5) missile only upon submission of a certification under subsection (a).

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 8, as follows:

[Roll No. 200]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
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
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
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)
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 (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
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
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner

Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Campbell
Dixon
Oberstar
Owens
Pomeroy
Salmon
Stupak
Udall (NM)

□ 1310

Mrs. CLAYTON changed her vote from ''aye'' to ''no.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 201]

AYES—254

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
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
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
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Lee
Levin
Lewis (GA)
Lofgren
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Lucas (KY)
Luther
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Markey
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McCarthy (MO)
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McGovern
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McKinney
McNulty
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Menendez
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Moakley
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Neal
Obey
Olver
Ortiz
Pallone
Payne
Pelosi
Peterson (MN)
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Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
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Sanchez
Sanders
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Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—11

Campbell
Dixon
Franks (NJ)
Jefferson
Oberstar
Owens
Salmon
Stupak
Udall (NM)
Weller
Wynn

□ 1320

Mr. ORTIZ and Mr. HALL of Texas changed their vote from ''aye'' to ''no.''

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.

MESSAGES FROM THE PRESIDENT

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

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 504 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.

□ 1322

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. BURR of North Carolina (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, proceedings pursuant to House Resolution 503 had been completed.

Pursuant to House Resolution 504, no further amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–624 and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 4 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.

Each amendment shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except as specified in the report and 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.

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 106–624.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. 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 Ms. SANCHEZ:

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7___. RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking out subsection (b).

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from Indiana (Mr. BUYER) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

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

Today, I join the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. LOWEY) to offer this amendment. This amendment repeals a provision of the fiscal year 1996 defense bill which bars women serving overseas in the U.S. military from using their own funds to obtain legal abortion services in military hospitals. Women who volunteer to serve in our Armed Forces already give up many freedoms and they risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights because of a policy that has no valid military purpose.

This is a health care concern. Local facilities in foreign nations are often not equipped to handle procedures, and medical standards may be far lower than those in the United States. In other words, we are putting our soldiers at risk.

This is a matter of fairness. Servicewomen and military dependents stationed abroad do not expect special treatment. They only expect the right to receive the same services guaranteed to American women under Roe v. Wade at their own expense.

My amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortions on principle or as a matter of conscience to perform an abortion. My amendment reinstates the same policy that we had as a Nation from 1973 until 1988, and again from 1993 until 1996.

This has received bipartisan support from the House and from the House Committee on Armed Services. It also has strong support from the health care community; namely, the American Public Health Association, the American Medical Women's Association and the American College of Obstetricians and Gynecologists. And my amendment is supported by the Department of Defense.

If the professionals who are responsible for our Nation's armed services support this policy change, then why would Congress not? I urge my fellow colleagues to vote for the Sanchez-Morella-Lowey amendment.

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

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

Mr. Chairman, over the last 30 years, the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations. In January of 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions in military treatment facilities. The changes ordered by the President, however, did not greatly increase the access to abortion services as may be claimed here on the House floor. Few abortions were performed at military treatment facilities overseas for a number of reasons. First, the United States military follows the prevailing laws and rules of host nations regarding abortions. Second, the military has had a difficult time finding health care professionals in uniform willing to perform such procedures, even though we then enacted a conscience clause.

The House has voted several times to ban abortions at overseas military hospitals. This language was defeated previously. It almost feels as though it is political theater year in and year out as we go through these abortion amendments.

I would note that in overseas locations where safe, legal abortions are not available, the beneficiaries have options of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion. But if we are going to subject our military facilities by military doctors who have taken a pledge and focus all of their energies toward military medical readiness, which means the saving of life, that is what our military doctors do. Military medical readiness is that they focus the performance of their duties to take care of soldiers who are wounded in accidents and, more particular, in battlefield injuries. Now to say, ''Well, we're going to take that same doctor and, oh, by the way, now we're going to say it's okay to let him perform abortions,'' I think not. The House has been heard on this issue.

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

□ 1330

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), a cosponsor of this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowey amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank the gentlewoman from California (Ms. SANCHEZ) for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country, and yet these women, for the past 4 years, have been denied the very constitutional rights they fight to protect.

Mr. Chairman, this restriction is un-American, undemocratic, and would be unconstitutional on United States soil. How can this body deny constitutional liberties to the very women who toil to preserve them?

Mr. Chairman, especially as we work to promote and ensure democracy worldwide, we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions, because no Federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to, because they are protected by a conscience clause. This amendment is about ensuring that all American women have the ability to exercise their constitutional right to privacy and access to safe and legal abortion services.

In the past, I have expressed my exhaustion with the anti-choice majority's continued attempts to strip women of their right to choose. Well, yes, I am tired of revisiting these now familiar battles, and so, too, are the American people.

Their message is clear: Do not make abortion more difficult and dangerous. Instead, they have asked this body to find ways to prevent unintended pregnancies and the need for abortion by encouraging responsibility and making contraception affordable and accessible to all women. That is why in the 105th Congress I worked tirelessly to secure passage of my provision.

Mr. Chairman, not one of these restrictions does anything to make abortion less necessary. I urge Members to support the Sanchez amendment and join me in my effort to make abortion less necessary.

Mr. BUYER. Mr. Chairman, I would respond to the gentlewoman by saying if she is fatigued in these types of battles, then join in the cause of the celebration for life.

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

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, the purpose of the Sanchez amendment is to facilitate the destruction of unborn babies by dismemberment and chemical poisoning. Of course, my friend and colleague from California does not present her case to us in this way, my friend instead sanitizes a terrible reality. The difficult unavoidable consequence of enactment of her amendment is to facilitate the violent death of babies.

Mr. Chairman, with each passing day, more Americans in their heart of hearts know that abortion is violence against children. The stark, horrific reality of partial-birth abortion has shattered forever the unsustainable myth that abortion procedures are somehow benign and benevolent acts. The scrutiny that partial-birth abortion has received has helped peel away the layers upon layers of euphemisms, disinformation and lies to show abortion for what it is, child abuse and violence against children.

Mr. Chairman, the most commonly procured method of abortion in America today and most likely to be facilitated by this amendment is the dismemberment of babies. The Sanchez amendment will prevent razor blade tipped suction devices 20 to 30 times more powerful than the average household vacuum cleaner to be used in military health facilities to pulverize the child's arms, legs, torso and head. The baby who gets killed in the hideous fashion is turned into a bloody pulp. This is the uncensored reality of what choice is all about and a vote in favor of Sanchez will result in more kids being murdered in this way.

Abortion methods also include injecting deadly poisons, including high concentrated salt solutions, into the child's amniotic fluid or into the baby. That too would be facilitated by Sanchez. This barbaric type of child abuse usually takes 2 hours for the baby to die, and anybody who has ever seen a picture of a child killed by a saline abortion quickly takes note of the red/black badly burned skin of the victim child. The whole baby's body is badly burned from the corrosive action of the high dose of salt, but the palms of the child's hands are white, because the baby grips and clenches his or her fist because of the pain. That's not child abuse? That's not violence against children?

I strongly urge Members to vote no on the Sanchez amendment. Don't turn our medical facilities overseas into abortion mills. Make them places of healing and nurture.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me time, and I am certainly pleased to be a cosponsor of the Sanchez-Morella-Lowey amendment.

Actually, I did not recognize the amendment when I heard my good friend from New Jersey speak about it, because actually what the amendment would do would be to restore a provision, a regulation that had been there earlier, to allow U.S. servicewomen stationed overseas access to the Department of Defense health facilities and allowing them to use their own funds to obtain legal abortion services in military hospitals.

Women serving in the military overseas depend on their base hospitals for medical care. They may be stationed in areas where local health care facilities are inadequate, and this ban that we currently have might cause a woman who needs an abortion to delay the procedure while she looks for a safe provider or may force a woman to seek an illegal unsafe procedure locally.

I want to point out that women who volunteer to serve in our Armed Forces already give up many of their freedoms and risk their lives to defend our country, and they should not have to sacrifice their privacy, their health and their basic constitutional rights to a policy with no valid military purpose.

The amendment is about women's health, it is about fairness, and it is also about economic fairness. An officer may be able to fly home or fly one's wife or daughter home to seek abortion services, if necessary, but for an enlisted personnel, the burden of the ban may not be possible to overcome.

The amendment does not allow taxpayer funded abortions at military hospitals, I emphasize that, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 until 1988, and again from 1993 to 1996.

So I urge my colleagues to join me in restoring servicewomen's constitutional rights by supporting the Sanchez-Morella-Lowey amendment.

Mr. BUYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, on February 10, 1996, the National Defense Authorization Act was signed into law by President Clinton with the provision to prevent DOD medical treatment facilities from being used to perform abortions, except where the life of the mother was in danger or in the case of rape or incest. The provision reversed a Clinton Administration policy that was instituted on January 22, 1993, permitting abortions to be performed at military facilities. The Sanchez amendment, which would repeal the pro-life provision, reopens this issue and attempts to turn DOD medical treatment facilities into abortion clinics.

The House rejected this same amendment last year. We rejected it in committee this year. We should reject it again today.

When the 1993 policy permitting abortions in military facilities was first promulgated, all military physicians refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. Therefore, if the Sanchez amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, resources would be used to search for, hire and transport new personnel simply so that abortions could be performed.

Military treatment facilities, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent of human life, the child in the womb. I urge Members to maintain current law and vote ''no'' on the Sanchez amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), a member of the Committee on Armed Services.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I would like to express my support for the Sanchez-Morella-Lowey amendment. This amendment, strongly supported by the Department of Defense, would provide fairness to female service members of the military assigned to duty overseas.

Mr. Chairman, the facts of this amendment are simple. First, no Federal funds would be used to perform these service. Individuals who decide to have these procedures would use their own money. Second, health care professionals who object to performing abortions as a matter of conscience or moral principle would not be required to do so. Finally, the amendment simply repeals the statutory prohibition on abortions in overseas military hospitals.

I urge my colleagues to support this amendment.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the well-respected gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Chairman, it always is a mystery to me why so many good people, and the advocates of this amendment are as good as they get, can support such a hollow cause as killing an unborn child. That is the what an abortion is.

Do you ever hear the saying, get real? Well, they talk about euphemisms, about choice. We are all for choice, but there is only one choice, whether it is in a military hospital or in an abortion clinic; it is a live baby, or a dead baby. That is the choice they are opting for.

Mr. Chairman, military facilities are paid for by taxpayers, and they do not want the facilities used to kill unborn children.

The phrase ''terminate a pregnancy,'' that is fraudulent. You exterminate a

pregnancy. Every pregnancy terminates at the end of 9 months.

No, our military is to defend life, not to exterminate defenseless, powerless, unborn life. I know lots of tough situations occur where a pregnancy is terribly awkward. It can even threaten your health. Those are serious and we cannot minimize them. But I will tell you what is serious; taking a little life that has a future and exterminating it for any reason other than to save another life.

So if abortion is just another procedure, and getting rid of the child is no big deal because it is really not a member of the human family, it is a thing, it is expendable, then, fine, this is probably a good idea. But if you think human life is something that is special, something that is sacred, if you think that all people are possessed of inalienable rights, the first of which is life, then it would seem to me, do not use taxpayer facilities.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Sanchez-Morella-Lowey amendment, and I want to thank them for their leadership. Together they consistently fight for equal treatment for women in the military.

Mr. Chairman, make no mistake about it, that is what this issue is all about, equal treatment for servicewomen stationed overseas. This amendment is about giving women who have volunteered to serve their country abroad the same constitutional protections that women have here at home.

In 1995 the Republicans told servicewomen stationed overseas that they could not spend their own money on abortion services in military hospitals. This message is loud and clear to each American servicewoman, that a political agenda here in the House of Representatives is more important than a woman's health and safety.

Mr. Chairman, these brave military women serve overseas to safeguard our freedom. They deserve the right to choose how to safeguard their own health. These women stand up for our freedom every day. Let us not take away their freedom. Vote for the Sanchez amendment.

□ 1345

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement of the House Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my friend, the gentleman from Indiana (Mr. BUYER) for yielding me this time.

Mr. Chairman, it has been stated in this debate by the proponents that somehow there is a different standard in the military than there is in the rest of society. I think that is true. I think, in fact, it is a higher standard, and interestingly, when polls are taken among the American people about which institutions they respect the most, the American military is number one, because the American military does have higher standards in a number of areas and this is one of those areas.

It is absolutely true, if one listened to the gentleman from Florida (Mr. WELDON), a former military physician, that military physicians come in with a sense of honor to serve their country, to save lives, and it is an enormous imposition on them to ask them to carry out the social dictates of a few folks who would devalue, in my estimation, devalue human life. So let us keep that high standard, duty, honor, country, for the American military. Let us not drag them down into the abortion mess.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in support of this amendment and I urge my colleagues to think about the double standard that we are imposing on these women. How can we expect women to serve their country if their country strips them of their rights of healthcare.

Mr. Chairman, this issue is an issue of fairness. We have more than 100,000 women serving our country overseas and these women are entitled to the same freedom as all other American women.

The Department of Defense supports this amendment and I urge my colleagues to do the same.

Let me just make one point. I serve on the House Committee on Veterans' Affairs, and the same problems that the women in the military are having are the same ones that the veterans' women have. This is why we cannot have comprehensive healthcare because of the same controlling, narrow-minded, one-sided philosophy of we are going to control what happens to women, and the healthcare of women, and the veterans' women, that is the problem that the military women are having and the veteran women are having.

Let me say I am hoping that women take control of what happens in this Congress.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The Chair would notify Members that the gentlewoman from California (Ms. SANCHEZ) has one-half minute remaining and the gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining. The gentleman from Indiana has the right to close.

Mr. BUYER. Mr. Chairman, I reserve the right to close.

Ms. SANCHEZ. Mr. Chairman, I yield one-half minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I would say to my colleague, the gentleman from Illinois (Mr. HYDE), do not question our reverence for life, including the lives of women and including the lives of the 100,000 women active service members, spouses and dependents of military personnel who live on military bases overseas and rely on military hospitals for their healthcare.

The current ban on privately-funded abortions discriminates against these women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose, simply because they are stationed overseas. The bottom line is, prohibiting women from using their own funds to obtain services at overseas military services endangers women's health and lives. Vote yes on Sanchez-Morella-Lowey.

Mr. BUYER. Mr. Chairman, since the name of the gentleman from Illinois (Mr. HYDE) was brought up in the well of the House, I yield 1 minute to him to respond.

Mr. HYDE. Mr. Chairman, I would just say to the gentlewoman from Illinois (Ms. SCHAKOWSKY), no one attacks anyone's reverence for life. I attack killing unborn children, however, and I will defend them. Secondly, no one is stopping a woman from exercising her constitutional right to have an abortion because of Roe versus Wade. Under the law, women have that right but they do not have the right to have the government pay for any part of it.

We have a right of free speech. That does not mean the government has to buy someone a megaphone or a typewriter. People can exercise it. Taxpayers' funds are expended when military facilities are used and there is no constitutional right to that, and so that is the difference.

Mr. BUYER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I have heard the words fairness, double standard, discrimination, narrow-minded. I mean, we could go down the list.

I suppose to articulate debates one can choose these types of words. One thing that is real that one cannot get away from is the Supreme Court over there permits Congress to set the rules for the military, and we discriminate all the time: How tall one can be; how short; how heavy; how light; one cannot even be color blind.

We discriminate all the time, so that argument is rather foolish.

Narrow-minded? Guilty. So narrow that the interests for which we seek to protect are twofold. Number one, life. If we in this country cannot be the defenders of life, then what are we as a society? If that is narrow-minded, guilty.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Sanchez amendment and thank the gentlewoman for her hard work in support of the women who serve our Nation overseas.

This amendment would extend to the more than 100,000 women who live on American military bases abroad the right to make health decisions and access available care as they would be able to do here at home.

This amendment would not commit public funds, not one taxpayer dollar, for abortion. It would simply allow

servicewomen—or the spouses or dependents of servicemen—to use their own funds to pay for an abortion which would be legal if they were stationed in the United States.

We all have our own views on the issue of abortion. But the fact remains that it remains a legal option for American women. Unarguably, women serving in our armed forces are entitled to all the constitutional rights they work each day to defend and protect.

To deny them the right to use their own money to obtain health care on their base if it is available is unfair to those committed service women. Many times these women are stationed in hostile nations where they may not know the language and have few or no civil rights. Denying our female soldiers or the wives of make soldiers the safe and quality health care they could have on base could in fact be putting them in danger.

This amendment is about preserving the rights of American soldiers and their families serving abroad. It is not about promoting or considering the legality of abortion. A vote for the Sanchez amendment is a vote to support these servicewomen stationed far from home.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of the Sanchez amendment, but with deep disappointment that this issue must be subject to debate.

Today, we must debate whether or not the women serving this country overseas will fall into the same category as female prisoners as a class of women who cannot exercise the same right as free women in this country to access a safe and legal abortion. This amendment simply restores access to privately funded abortion services for U.S. servicewomen and military dependents abroad. We are not even debating funding this medical service with taxpayer dollars, and still this is subject to debate.

As much as the other side would like to make this debate about the practice of abortion, this debate is about equal treatment for women who put their lives on the line for this country all across the globe. I support the Sanchez amendment because current law jeopardizes the health of the 100,000 U.S. servicewomen and military dependents who live on military bases overseas. It denies a woman her constitutional right to choose and punishes her for her military service. This amendment ensures that our servicewomen are not forced into dangerous back alley abortions in unsafe, unsanitary, inhospitable locales. Abortion is a legal medical procedure in this country, and it should be legal for an American woman serving her country overseas.

Mr. FARR of California. Mr. Chairman, I urge my colleagues to support the Sanchez amendment to the Fiscal 2001 Department of Defense authorization which would restore equal access to health services for servicewomen stationed overseas by reversing the ban on privately funded abortion services at U.S. military bases.

More than 100,000 women—some active service members, some the wives of military personnel—live on American military bases overseas. These brave women risk their lives to protect our freedom, often in lands with laws and customs very different from those we know and cherish in the United States. The availability of abortion services in their host countries varies widely according to many factors—location, individual physician practices, command interpretations and practices, and that nation's rules and laws. Our soldiers and their families deserve equal access to the same spectrum and quality of health care procedures that we enjoy in the United States. Under current law, however, these women are denied this access, effectively putting their lives and health in harm's way.

The Sanchez amendment would rectify this grievous inequity by allowing women stationed overseas and their dependents to use their own funds to pay for abortion services at U.S. military bases, thereby providing them with access to constitutionally protected health care.

The facts of this amendment are clear—Roe v. Wade guarantees the right to choose, and if abortion is legal for women on the American mainland, it should be legal for women living on American bases abroad. No federal funds would be used, and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle are not required to do so.

This is a health issue, and we should be making sure that this procedure is safe, legal and available for our military women and dependents. I urge my colleagues to support this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment.

Mr. Chairman, here we go again. This is the 145th vote on choice since the beginning of the 104th Congress. I have documented each of these votes in my choice scorecard, which is available on my website: www.house.gov/maloney.

This common-sense amendment offered by Ms. SANCHEZ, lifts the ban on privately funded abortions at U.S. military facilities overseas.

It is bad enough that current law prohibits a woman from using her own funds at all military facilities overseas to get an abortion. But I want to point out although there is an exception when a woman's life is in danger, abortion is not even covered for cases of rape and incest.

How can anyone interfere with a woman's right to choose under these extreme circumstances? Just this week, the Supreme Court ruled that a woman who is raped is not entitled to sue in Federal court for civil damages.

Too often in our society, women who are raped are victimized a second time by the judicial system. Failure to pass this amendment doubly victimizes a women who is raped.

Why doesn't this Republican majority take rape seriously? I believe that the underlying law is discriminatory. While a woman may serve overseas defending our Constitutional rights, and defending our freedom, this Republican-led Congress is busily working to undermine hers. I cannot think of a men's medical procedure that is not covered. I cannot imagine a situation where a man would be told that a certain medical procedure was prohibited at overseas military hospitals.

In fact, when the drug Viagra came on the market, DoD quickly decided to cover it. This amendment is simple. This amendment will not cost the Federal Government one dime.

This amendment is about fairness. This amendment simply allows privately funded abortions at U.S. military facilities overseas. This amendment protects women's rights.

I urge a ''yes'' vote on the Sanchez amendment.

The CHAIRMAN pro tempore. All time has expired on this amendment.

The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

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

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106–624.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY.

Mr. MOAKLEY. 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. MOAKLEY:

Strike section 908 (page 285, line 6 through page 289, line 8) and insert the following:

SEC. 908. REPEAL OF AUTHORITY FOR UNITED STATES ARMY SCHOOL OF THE AMERICAS.

(a) CLOSURE OF SCHOOL OF THE AMERICAS.—The Secretary of the Army shall close the United States Army School of the Americas.

(b) REPEAL.—(1) Section 4415 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

(c) LIMITATION ON ESTABLISHMENT OF NEW EDUCATION AND TRAINING FACILITY.—No training or education facility may be established in the Department of Defense for Latin American military personnel (as a successor to the United States Army School of the Americas or otherwise) until the end of the ten-month period beginning on the date of the enactment of this Act.

(d) TASK FORCE.—(1) There is established a task force to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations.

(2) The task force shall be composed of eight Members of Congress, of whom two each shall be designated by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(3) Not later than six months after the date of the enactment of this Act, the task force shall submit to Congress a report on its assessment as specified in paragraph (1). The report shall include—

(A) a critical assessment of courses, curriculum and procedures appropriate for such education and training; and

(B) an evaluation of the effect of such education and training on the performance of Latin American military personnel in the areas of human rights and adherence to democratic principles and the rule of law.

(4) In this subsection, the term ''Member'' includes a Delegate to, or Resident Commissioner, in the Congress.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Massachusetts (Mr. MOAKLEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

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

Mr. Chairman, I want to begin by thanking my colleagues, both Democrat and Republican, for their tremendous support of this bill last year. Last year, 230 Members of this body joined me in voting against the School of the Americas and today, Mr. Chairman, I am asking them to do the same again. A lot of people are surprised to see a Boston Congressman working to close a school, a military school, in Fort Benning, Georgia, but, Mr. Chairman, I have my reasons.

Ten years ago, Speaker Foley asked me to head up a congressional investigation of the Jesuit murders in El Salvador and what I learned during the course of that investigation I will never forget. On November 6, 1989, at the University of Central America in San Salvador, six Jesuit priests, their housekeeper and her 15-year-old daughter were pulled from their beds in the middle of the night, armed only with Bibles and their rosary beads, forced to lie on the ground and they were executed in cold blood by a military cabal.

These murders shocked the entire country, the entire world, and at that point the United States Government had sent the Salvador military a total of $6 billion, with a ''B,'' and Congress wanted to get to the bottom of this killing.

So my top staffer at the time, who is now the gentleman from Massachusetts (Mr. MCGOVERN), and I traveled to El Salvador dozens of times over the next 2 years to get to the bottom of those very, very heinous murders. After these 2 years, we learned an awful lot. We learned that 26 Salvadoran soldiers committed the massacre and 19 of the 26 were graduates of the School of the Americas.

Mr. Chairman, up until that point I had never heard of the School of the Americas, but what I learned quickly convinced me that the school had no place as part of the United States Army.

The School of the Americas is an Army-run school at Fort Benning, Georgia, that every year trains about 1,000 Latin American soldiers in commando tactics, military intelligence, combat arms, and all this, Mr. Chairman, to the tune of about $20 million of the United States taxpayers' dollars.

I am not saying that everyone who graduates from the School of the Americas has gone on to murder civilians and I do not want to let anybody in this place believe that for one moment, but, Mr. Chairman, after investigation, many of them have. It is those who bring disgrace to the school. Panamanian dictator and drug trafficker Manuel Noriega went to the School of the Americas, along with one-third of General Pinochet's officials.

The architect of the genocide campaign in Guatemala, General Hector Gramaho, went to the School of the Americas. As so did the murderers of 900 unarmed Salvadorans who were killed in El Mozote and then buried in a big, huge ditch, and also the perpetrators of the chainsaw massacre at El Trujillo.

The rapists and murderers of the four American church women killed in El Salvador also went to the School of the Americas.

The crimes are not just in the past, Mr. Chairman. As recently as March of 1999, Colombian School of the America graduates Major Rojas and Captain Rodriguez were cited for murdering a peace activist and two others as they tried to deliver ransom money for a kidnapping victim.

The fact is, Mr. Chairman, the School of the Americas has been associated with some of the most heinous crimes that this hemisphere has ever endured. These crimes are so awful, Mr. Chairman, that approximately 10,000 people every year march on the school in protest.

Mr. Chairman, it is time for the United States to remove this blemish on our human rights record. It is time once again, Mr. Chairman, for the House to pass the Moakley-Scarborough-Campbell-McGovern amendment. Our amendment will close the School of the Americas as it exists today, and create a Congressional task force to determine what sort of training we should provide to our Latin American neighbors.

My colleagues who support the School of the Americas may say that the school got the message last year and made some changes. Unfortunately, Mr. Chairman, those changes do not amount to much more than a new coat of paint. It will still be at Fort Benning, Georgia. It will still inadequately screen soldiers who attend. It will still not monitor graduates for human rights abuses and it will still train Latin American soldiers in commando tactics and combat arms.

These changes that they made, Mr. Chairman, are like putting a perfume factory on top of a toxic waste dump. We believe that any school with such an infamous list of graduates needs more than a few cosmetic changes.

Mr. Chairman, Latin America needs us. They need us to help shore up their judicial systems. They need us to strengthen their electoral system. They need us to work with their police. They do not need the School of the Americas teaching their militaries how to wage war more effectively, especially when the vast majority of Latin America wars are conflicts with their own peoples.

It is time to move in a new direction. It is time to close the School of the Americas and start over. So I urge my colleagues to continue what we began last year and support the Moakley-Scarborough-Campbell-McGovern amendment to close the School of the Americas and create a Congressional task force to determine what should take its place.

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

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina (Mr. SPENCE) is recognized for 20 minutes in opposition.

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, times have not changed in so much of this debate. Our Nation cannot walk away from its obligation to lead our hemisphere in preserving regional stability, conducting counternarcotics operations, providing disaster relief and promoting democratic values and respect for human rights. Our military and the School of the Americas, in particular, have been a forefront of these efforts.

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Ironically, the amendment before us would actually strike a provision of H.R. 4205 that would reform the School of the Americas and address key concerns that have been raised over the years by the school's critics.

Specifically, transitioning the school into the Defense Institute for Hemispheric Security Cooperation, it requires a minimum of 8 hours of instruction per student in human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society, and creating a board of visitors with a broad mandate to oversee the activities and curriculum of the Institute, and requires the board to submit a report to the Secretary of Defense and to Congress.

These are fundamental changes to the program that are intended to ensure continued education and training of the military, law enforcement, and civilian personnel from Latin America while enhancing transparency.

Passage of this amendment would undo the important reforms contained in this bill, and would eliminate the School of the Americas altogether. This would be a regrettable step backwards and would disregard the significant contributions of our military in fostering democracy throughout America.

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

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Chairman, I rise in support of the Moakley amendment.

Today, U.S. foreign policy in Latin America is in focus. History teaches us that graduates from the School of the Americas have returned to their home countries and committed some of the worst atrocities this hemisphere has ever seen.

Finally Congress responded accordingly and reasonably in cutting funds for the School of the Americas during the debate of the defense authorization bill last summer. Unfortunately, the will of the House was disregarded in conference.

No doubt the U.S. military has good intentions and regrets the behavior of those trained at the School of the Americas. But we have many higher education institutions that do not have such a bad track record. Let us utilize them, and let us eliminate the School of the Americas.

Now, in the face of pressure, of course, the Army has attempted to add new language that would simply rename the School of the Americas the Defense Institute for Hemispheric Security Cooperation. It has a nice ring to it. That idea provides no substantive reform or constructive policy path that would address the real problems of this institution's troubled history.

This would be really a victory of symbolism over substance. Last year when they talked about course work, they offered all these courses, but unfortunately, nobody was taking them, the human rights courses specifically. Mr. Chairman, as I said, this would be a victory of symbolism over substance. The reality is that the day after the name is changed, the school would continue to operate and it would be business as usual.

Most would agree we need to engage in a comprehensive approach to military training and aid for Latin America, but the U.S. military training for Latin America must go far beyond the School of the Americas, and certainly in a different direction. It is time that we fully reassess our military engagement policies and take a closer look at results.

The Moakley amendment would address the question, first, of closing the School of the Americas and placing any new training institute on hold until a bipartisan task force reviews and make recommendations for U.S. military training and relations in Latin America.

This is a reasonable approach, a policy path that our constituents could understand and support.

The Army's attempts at reform are too little, too late. This existing initiative in the bill at best reflects cosmetic changes. Real reform in my judgment would encompass alternatives to military aid, such as economic assistance, microcredit loans, and the other alternatives that my colleague, the gentleman from Massachusetts, outlined.

I would urge my colleagues to support the Moakley amendment and implement this new approach, real reform. Let us not let the Army buy off on an unworkable, easy route. Vote for the Moakley amendment.

Mr. SPENCE. Mr. Chairman, I yield 4 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 gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. I commend the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of our Committee on Armed Services, for his good work on this important legislation.

Mr. Chairman, this bill includes an important bipartisan proposal that squarely addresses the concerns of critics of the United States Army School of the Americas. This bill will create the Defense Institute for Hemispheric Security Cooperation to replace the United States Army School of the Americas. This modern institution will have a new charter and a mission that is fully consistent with the U.S. military training efforts worldwide.

Like many of my colleagues, I was concerned by a number of the allegations that were leveled at the School of the Americas. I believe, however, based on repeated staff visits to Fort Benning, that the school now has bent over backwards to resolve those issues.

I cannot support the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY), my good friend. However, we should note that the language in the bill before the House today addresses a major concern behind the Moakley amendment. A new board of visitors, including Members of Congress, will be established to conduct the oversight and pragmatic review that the gentleman from Massachusetts has advocated in his amendment.

H.R. 4205 differs, however, in one fundamental respect, from the Moakley amendment. It reaffirms that the U.S. Army is a force for good in the world, and it recognizes that our men and women in uniform can make a difference by helping other militaries undertake an important professional reform.

The Moakley amendment would force an unwelcome hiatus in our U.S. Army's efforts to help Latin American armies become more professional and to respect human rights and civilian control of the military. The creation of the Defense Institute for Hemispheric Security Cooperation addresses the criticisms leveled at the School of the Americas. The Moakley amendment would unnecessarily be disruptive of our Armed Forces training programs.

I have met with a number of good people from my own congressional district who have urged that the School of the Americas should be closed. As I understood their views, they believe that Latin American countries do not need and should not have armies. For better or worse, most Latin American countries do have armies, and we are not in a position to dictate that they should abolish those institutions.

As long as those nations choose to keep their military, their people and our Nation will be far better served if our decent, honorable soldiers are able to exercise a positive influence on their soldiers. It is abundantly clear that there are nefarious forces, including narcotics trafficking syndicates, that are waiting in the wings to fill the void if we decide here today to end our efforts to influence these armies for the good.

In closing, Mr. Chairman, we must not forget to take this opportunity to thank the men and women who have loyally served our Nation with honor and distinction in the U.S. Army School of the Americas. I invite my colleagues on both sides of the aisle to support H.R. 4205 and to oppose the Moakley amendment.

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

If the School of the Americas closed tomorrow, there would still be 9,000 Latin American soldiers getting some kind of training in this country from the U.S. Army, so it is not the only school.

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a gentleman who was my chief investigator into the killings in El Salvador.

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

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Moakley amendment to close the School of the Americas and initiate a bipartisan review of U.S. military education and training for our Latin American partners.

This amendment is a reasonable solution to the longstanding questions regarding the School of the Americas. This is a sensible solution to identifying our priorities in education and training and determining how best we can achieve these goals, and whether that requires a school or an institute.

I am sure that my colleagues are aware that the School of the Americas has provided less than 10 percent of the education and training the U.S. provides Latin American military personnel; let me repeat that, less than 10 percent. But the school has certainly provided most of the scandal, most of the debate, most of the horror stories, most of the controversy.

That history will not go away by hanging a sign with a new name over the same entry gate to the School of the Americas. The stains of blood will not fade away when we train Latin American military officers on the very same ground where we trained the people who murdered Archbishop Romero, Bishop Gerardi, the six Jesuit priests

of El Salvador, and massacred literally thousands of Salvadorans, Guatemalans, Colombians, and other Latin Americans.

Those scandals will not disappear with a few minor changes in the curriculum. The controversy will continue. There has to be a clean break with the past, not cosmetic changes, although some of the changes are interesting in what they reveal. The U.S. Army has now finally and openly admitted that human rights, rule of law, civilian control of the military, and the role of the military were not part of the school's curriculum.

But do we need a newly-named school, the so-called Defense Institute for Hemispheric Security Cooperation, to teach those courses? I do not think so. That training is covered under our extended IMET program. We do not need to subsidize junkets to Georgia for this training. Well-established, well-funded programs at scores of U.S. institutions are already available to our Latin American partners on these subjects. We do not need to send them to a scandal-ridden school with no history or expertise in teaching these courses.

The new School of the Americas will continue to emphasize counterdrug operations, military education, and leadership development, all areas of the curriculum that helped develop some of the worst human rights violators of the hemisphere in the past. Why should we believe it will be any different now?

Mr. Chairman, the Pentagon already has a huge budget for training Latin American military in counterdrug operations. I was looking at a list of over 100 counterdrug programs we did last year for 1,200 Mexican military personnel. We do not need redundant counterdrug programs at the old or new School of the Americas.

Not even the Pentagon knows fully what military education and training programs it is engaged in. What information the Pentagon does have comes from policy groups that took the time to go through the programs and add up the numbers. What information the Pentagon does have also comes from a congressionally mandated report on foreign military training. Support the Moakley amendment. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER).

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

Mr. BALLENGER. Mr. Chairman, I am in opposition to the Moakley amendment. I have visited El Salvador 40 or 50 times. The School of the Americas is something we need.

Mr. Chairman, I rise in opposition to the Moakley amendment.

As you should know, the School of the Americas has trained over 54,000 graduates, including ten presidents, 38 ministers of defense and state, 71 commanders of armed forces, and 25 service chiefs of staff in Latin America. Since the school began training national leaders of South and Central American countries, military or totalitarian regimes in that region have declined and have been replaced with democracies. Right now, Cuba remains as the sole dictatorship in the Western Hemisphere. Not so ironically, Cuba does not participate in the School of the Americas program.

This amendment attempts to close the school based on 10–20-year-old assumptions about the school. Although there may have been questionable practices taught at the school in the past, these have all been corrected years ago.

Without the training from the School of the Americas, there never would have been peace in El Salvador. The FMLN rebels demanded that the military leadership resign before they would negotiate for a peace settlement. Armed with the lessons taught at the school, these leaders decided to resign. This was not because they were losing, but because President Christiani had urged them to do it. And with that resignation, the peace process began. You see, yielding to civilian leadership is a principle taught at the School of the Americas, as has occurred just lately in the county of Columbia.

Students from our southern neighbors are learning about democracy and becoming our friends of the future. I urge my colleagues to support the democratic education of these officers provided by the school by defeating this amendment.

By the way, the former commanding general of the Salvadoran Army is now running a filling station in San Salvador.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), whose district includes the School of the Americas.

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

Mr. BISHOP. Mr. Chairman, for many years we have been engaged in a debate over whether or not the School of the Americas has faithfully carried out its mission of teaching human rights and principles of democracy to visiting students from Latin America in addition to their military training.

Opponents have accused the school of all kinds of misdeeds, and those of us supporting the school and its mission have presented documented evidence which we believe thoroughly refutes these allegations. Nevertheless, the same old charges and countercharges are revived year after year, time and again.

I am not interested in rehashing the same old debate. What I am interested in is focusing on the substantive changes that are proposed today, changes that opponents have called for and which the supporters of the school also believe can be helpful.

Opponents wanted to change the name, claiming the existing one has been tainted. The plan before us would do that.

Opponents want stronger oversight, and the plan proposed shifts the oversight responsibility to the Cabinet level by placing it in the hands of the Secretary of Defense, rather than the Secretary of the Army, and by establishing the Independent Board of Visitors, which includes prominent human rights activists as part of this law.

Opponents wanted more emphasis on human rights, and the plan makes instruction in human rights and democratic principles mandatory by law for every student.

Anyone who supports the long-standing U.S. policy of both Democratic and Republican administrations, the policy of helping Latin American democracies develop professional military forces that are committed to serving under civilian authority, should be for these changes.

The leaders of the School of the Americas Watch oppose this policy, so it is not surprising that this movement does not support the proposed reorganization of the school. The opponents of the School of the Americas have publicly stated that they want weak military forces in Latin America, even for democracies.

The real issue we are debating today is whether the U.S. should promote weaker military forces for emerging democracies which the Moakley Amendment does, or whether we should help these democracies become more secure—and whether we should sustain an instrument like the school at Fort Benning to actively carry out this policy.

A vote for this program is a vote for sound policy—and a vote for truth.

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Mr. MOAKLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, last year, the House voted overwhelmingly 230 to 197 to stop funding the Army School of the Americas. We voted that way because this House finally decided that the record of atrocities of murders and mayhem committed by graduates of that school can no longer be ignored or condoned. Does the Pentagon believe that renaming the school will fool those of us who voted against funding it last year?

Mr. Chairman, if it walks like a duck and talks like a duck, it probably is a duck. This new school proposed by the Pentagon would have the same mission, the same grounds, the same commanders, the same purpose but a different name.

The Army claims it would teach human rights, but there is no credibility to that school teaching human rights. If the Army thinks that the Latin American officers being trained by the United States should be trained in human rights, they should require all students to take courses sponsored by nongovernmental organizations that are qualified to do that.

The gross violations of human rights and the murders perpetrated by graduates of this school argue convincingly that we must not be fooled, we should again vote to remove funds for this school from the budget, to close it down once and for all, so that the

American role of Latin America can once again be an honorable role and the shameful record of some of the graduates of this school can no longer besmirch the honor of the United States.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

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

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

Mr. Chairman, I come to the floor today because I think we need to refute some of the slander that is being perpetuated by some of the opponents of the School of the Americas, and that is that the United States Army systematically teaches its foreign students how to violate human rights. Nothing could be further from the truth.

Our Army and this school has never taught torture techniques. Yes, some graduates of the School of America have subsequently been guilty of human rights abuses. So have some graduates from schools like Harvard. In those cases, the training did not take. But only 100 or 200 out of 58,000 graduates have documented human rights abuses.

Let us not forget the other 57,800 plus graduates. Over 100 School of Americas graduates serve or served their Nation and its people from the highest levels of civilian and military office, from chief executive to commander of major military units.

Furthermore, hundreds of School of America graduates currently occupy positions of leadership and command at all levels in their military and support democratically elected national leaders all over Latin America.

The fact of the matter is that in the last 20 years, democracy, respect for the rule of law, sensitivity to human rights have greatly increased in Latin America. This progress would have been impossible had these countries' military not received training in how a military operates in a democratic society at the School of the Americas.

Every year, soldiers from Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela and the United States attend the School of the Americas. No other school with such a small operational budget brings together future civilian and military leaders of 16 countries in the purposeful effort to prepare for the future, to strengthen alliances within a hemispheric region and increase mutual understanding, cooperation and reinforcement of the principles of democracy among neighboring countries.

We need to keep this school because it keeps us active in the human rights affairs of Latin America. We should support the School of America, and I urge rejection of this amendment.

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

Mr. Chairman, just to correct the gentleman from Arizona (Mr. KOLBE), who was at the microphone, we have a manual from the 1990s of the School of Americas that did teach torture, and the Pentagon admitted that those manuals did teach torture. They said they were unauthorized. So the gentleman was not correct in his statement.

Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the Moakley amendment. Even School of the Americas supporter Senator PAUL COVERDELL characterized the Department of Defense's proposal as cosmetic changes that would ensure that the old SOA would continue its mission and operation.

Just like the SOA, the new school will still be located in Fort Benning; still train Latin American soldiers in commando tactics, military intelligence, psychological operations and combat arms; still have no independent outside oversight; still not monitor graduates for human rights abuses; still have inadequate screening of soldiers who attend; still tout fancy human rights courses that nobody takes or take for just a few hours. And this is not just rehashing of old news.

Since last year when 230 Members of this body voted against the SOA, new revelations have come to light about the SOA's connection with human rights abuses.

In January of this year, SOA graduate Colonel Lima Estrada was arrested in Guatemala for the brutal assassination of human rights champion Bishop Juan Gerardi just 2 years ago, and on and on.

Mr. Chairman, I agree with the Chicago Tribune that says it is time for lights out at the SOA.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN).

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

Mr. CALLAHAN. Mr. Chairman, the gentleman from Massachusetts (Mr. MOAKLEY) is one of the most respected men in this House, especially by me. No one can doubt that he is a champion of human rights wherever they may be violated any place in the world. We just happen to think that the solution to this problem will take two different routes. The gentleman from Massachusetts (Mr. MOAKLEY) thinks we ought to go totally to the left, and totally abolish the good that the school is delivering. I think we ought to go to the right.

The irony of this, I say to the gentleman, is that we are both trying to get to the same corner of the room. The Commander-in-Chief of our Armed Forces, President Clinton, brought this message to us and asked for this authority and for the money to perform this. I am sorry that the gentleman has so little confidence in the Commander-in-Chief.

I am sorry he does not trust the President to do what is right, but I would assure him that any time anyone can bring to me, not only from this body but any place in the world, some evidence of proof that this school is doing harm and contributing to the violation of human rights, they will not receive one penny of appropriation to continue that.

While I respect the theory of the gentleman from Massachusetts (Mr. MOAKLEY), while I certainly regret the atrocities that took place decades ago, I cannot accept your philosophy that a graduate of this school is automatically going to do something that some former graduates did. The Unabomber went to Harvard and we are not talking about closing down Harvard because he created these atrocities.

Mr. Chairman, I plead with my colleagues to listen to the Commander-in-Chief, to listen to the Secretary of Defense that your Commander-in-Chief, your President named to this position, who says this is vital towards the peace process and future human rights activities in these areas.

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

Mr. Chairman, before my dear friend, the gentleman from Alabama (Mr. CALLAHAN) leaves the room, the gentleman is my dear friend, too, I just wanted to inform him that these atrocities, some have occurred decades ago, but most recent ones have just occurred last March in Colombia by two graduates, the general and the major. So the atrocities are still going on, and we did not teach the Unabomber how to make bombs at Harvard.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the amendment that has been put forth by the gentleman from Massachusetts (Mr. MOAKLEY), and I commend him for the effort that he has made in this area.

Mr. Chairman, I have had the opportunity to visit the School of Americas and, frankly, I was impressed by many of the people that I met there. I felt that they were good people, that they were trying to do what they thought was best for this country. But I also, Mr. Chairman, cannot ignore the history of this school.

While I was impressed by those people at the school and their integrity, I have to also look at the track record of the graduates of this school, and whether it has occurred in the last 2 years, the last 5 years or the last 15 years, what we have seen is we have seen, unfortunately, and frankly too many graduates who have been involved in violence in ways that are not acceptable to the American people and not acceptable to the people in Central America.

Mr. Chairman, to put it quite bluntly, this school has lost its credibility with the American people. The American people do not accept the function that this school performs. They do not accept the function that we should be training military leaders in Central America because our track record has been so poor, and we have had so many failures of people who have graduated from this school and have been involved in atrocities that no longer do the American people believe that this is a function that should be performed by the United States Government.

Mr. Chairman, I have been struck in my own district by the number of people from wide ranges, the faith community, the peace community, people who stopped me at schools and simply say this school must be closed down. And they go a step further, because they are aware of what is going on in this legislation. They are aware that there are cosmetic changes that are being taken to try to make this school more presentable, but at the end of the day, when the analysis is finished, those changes are simply cosmetic and the functions that have been performed by the schools historically are continuing to be performed now.

Unfortunately, I think that the time has come where we must simply conclude as a Congress that the school must be closed.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Chairman, I urge my colleagues to oppose the Moakley amendment and support the provisions of the Defense Authorization bill to transition the School of Americas to the Defense Institute for Hemispheric Security Cooperation.

Military-to-military exchanges are an integral component of American foreign policy and provide valuable education and training to both military and civilian leaders alike. These exchanges increase cooperation, help professionalize militaries and teach them the role of military in democratic, civilian societies.

While the School of the Americas has played a vital role in our foreign policy over the last several decades, it is time that we modernize and update the approach of the school for the 21st century.

The House Committee on Armed Services has taken a bold step in replacing the School of the Americas. This bill would provide professional education and training to military, law enforcement and civilian leaders in Latin America.

Our bill requires that each student get a minimum of 8 hours instruction in human rights, the rule of law, due process, and civilian control of the military.

Finally, our bill creates an independent board of visitors with broad mandates to oversee the activities and curriculum of the institute. The board may include Members of Congress, as well as representatives from human rights and religious organizations.

These changes are important steps toward improving our military education and training programs and enriching relations between the United States of America and our Latin America neighbors.

The U.S. military has been and remains a strong force for positive change in Latin America, transmitting our Nation's military values there. I urge my colleagues to oppose the Moakley amendment that would strike these important initiatives and withdraw the United States from constructive engagement in Latin America.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time, and I thank him for his leadership on this important amendment. He has been a leader in trying to educate the Congress on what has been happening in Latin America over the past decade, indeed, generation.

We are all deeply in his debt for making certain events there known to us so we could change and improve our policy. The issue before us today is one that we have visited over and over again. The chairman of my subcommittee, the gentleman from Alabama (Mr. CALLAHAN), which I am ranking member, has spoken in opposition to the gentleman from Massachusetts (Mr. MOAKLEY), and I want to speak in favor of him, because on our bill, the subcommittee on Foreign Operations, Export Financing and Related Programs bill, an amendment by the gentleman from Massachusetts (Mr. MOAKLEY) passed this House overwhelmingly by 230 to 197 to cut the funding for the School of the Americas.

This amendment is an improvement on that because what it says is there should be a bipartisan Congressional task force which will address military training of Latin American soldiers by the U.S. Department of Defense. This task force will critically assess course curriculum and procedures for training in order to ensure that we do not repeat the mistakes of the past.

□ 1430

Mr. Chairman, there is a tremendous need by this Congress to oversee the military training being done by the Department of Defense. With the highest regard for the Secretary of Defense and the Secretary of the Army, I have to rise and say that I strenuously object to the cavalier approach taken by the military to continue training violators of human rights not only in Latin America, but throughout the world.

We trained the Kopassus, the most vicious human rights violators; part of the Indonesian military. Indonesia is going to bring some of those people to justice, and we trained them. We trained them, and it is current and recent. This is not about a long time ago. That is not about the School of the Americas, it is about the U.S. military training people overseas with the idea that we were going to teach them to have a military in a civilian population.

We all share the goal of sharing the expertise and the idealism of the U.S. military in training foreign militaries on how to exist in a civilian society without military dictatorships, and some of them have to get used to that. We all share the view that there should be human rights training at these schools. Let us really deal with this School of the Americas once and for all instead of every single year by addressing it completely; by having a study, a congressional task force to study it, to say what kind of school and what kind of curriculum should be there and to rid ourselves of the past, of the dreaded history of the School of the Americas and some of the people that it has trained.

So while we have a difference of opinion of approach here, I am sure all my colleagues would want to be very proud of whatever training we have done of foreign militaries, be they in Latin America or Indonesia. Unfortunately, the message of 230 to 197 on the appropriations bill was not a clear enough message to the military. We must send a clearer one. We can do it today under the leadership of the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from California, (Mr. CAMPBELL) and the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. SPENCE. Mr. Chairman, I yield 1 minutes to the gentleman from California (Mr. MARTINEZ).

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

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment.

I have the greatest respect for the gentleman from Massachusetts, but I believe his amendment in this matter is based on old concepts and old ideas. Certainly, we must change as times change and as situations change.

Mr. Chairman, it is being ignored that this defense authorization includes a provision closing the U.S. Army School of the Americas, which is what they want to do, and establishes in its place a new school for international military education and training. The bill puts the new school under the direct responsibility of the Secretary of Defense.

I do not think we could ask for anymore than that. It requires every student of the school to undergo at least 8 hours of curricula related to human rights, democratic sustainment, and civilian patrol.

Mr. Chairman, it is clearly in our national interest to ensure that if our

neighbors in the Western Hemisphere are going to maintain military forces, which they are, that we help to install a degree of professionalism and respect for human rights and civilian authority, values that guide our own military.

In closing, let us stop fighting the old battles of Cold War and let us move forward by supporting the bill and opposing the amendment.

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

Some of my colleagues are alluding to things that happened many years ago. We are talking about some atrocities that happened as recently as March of 1999 by two major generals; other atrocities in 1998 in Colombia. So some of the graduates are still doing these things.

This is a bipartisan amendment, Mr. Chairman. It is authored by both Democrats and Republicans. And I think if we close the school once and for all, we are not stopping all military training for Latin America, we are only stopping 10 percent of it. There are 10,000 people from Latin America trained by the United States Army, only 1,000 in the School of the Americas.

But I think where the School of the Americas has been so symbolic in Central America to some of the people down there, and it attracts thousands of people every year to picket it, I think that we should close it and start anew. So I hope my amendment is adopted.

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

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

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

It has been said that the vote last year in the Congress, in the House, was not heard. I assure my colleagues it was heard. It was heard by the President of the United States and the Secretary of Defense. That is the reason they sent up these new legislative procedures so that we could make some changes at the School of the Americas.

But it also has been said that no good deed goes unpunished, and the gentleman's amendment seems to bear that out. In response to concerns raised by the gentleman and other Members of this body and their constituents, and I respect their constituents, the United States Army School of the Americas has undergone extensive changes, extensive reform in the interest of meeting the changes needed by U.S. foreign policy in the post-Cold War era.

This Defense Authorization Act includes major reform provisions, ensuring that course work at the new training facility will fully comply with U.S. law, doctrine and policy. Unfortunately, Members are still seeking to close the School of the Americas. I ask all to oppose the amendment of the gentleman from Massachusetts.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is the passionate and sincere leadership of the gentleman from Massachusetts (Mr. MOAKLEY) that has forced the Pentagon and the Army to seriously rethink their approach to military and Democratic education for Latin America. However, I would hope that this House would respect the bipartisan plan that has been written into this bill to close the School of the Americas and to open a new institute, a Defense Institute for Hemispheric Security Cooperation. This is why I must oppose the Moakley amendment.

The Institute's management would be significantly different from the management of the School of the Americas in several ways.

First, it would be under the direct control of the Secretary of Defense, not the Secretary of the Army.

Second, Congress would have a direct oversight role at the Institute. Surely, even the cynics among us can trust the Congress not to endorse, year by year, terrorist training in Latin America.

Thirdly, a statutory board of visitors would be created with recommendations of House and Senate leaders from both parties, and with leaders from academic, human rights and religious organizations.

Fourth, the law would require the institute to teach human rights, due process, rule of law, and civilian control of the military. That is good for Latin America and for the United States.

And, fifth, the bill requires an annual report to Congress on the institute's education and training program.

I have to believe that with oversight from the United States Congress, with us here in this House, that more American engagement with Latin American military and civilian leaders is good. Less engagement is not wise.

Let us thank the gentleman from Massachusetts (Mr. MOAKLEY) for his leadership for change. He has truly made a significant difference. But now is a time for us to move forward in a new day, with new relationships with our allies and friends in Latin America.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

One thing that has not been pointed out enough is this training center is the only one where it teaches in Spanish. Our other courses around the country reach the other echelons of leadership. This has tried to take our message of training, as well as human rights training, down to the lower levels of the military, to spread it through newly-democratic countries in Spanish, with instructors from those countries to build that credibility.

We also lost some message here as to why we have this school. In Colombia, yesterday's Los Angeles Times: Elvia Cortes had a bomb put around her neck and was told that it would explode the next day. It did. She is dead. The person who attempted to remove this bomb had his hands blown off and he bled to death in a helicopter.

Because of our drug crisis and the amount of drugs we are purchasing in this country, we have threatened democracies throughout the world. We need to teach human rights, but we also need to work with those militaries and those democratic governments to do what they did in Guatemala, which is, graduates of the School of the Americas went after another graduate because the behavior he exhibited was intolerable to us.

So I praise this school for the advances they have allowed throughout the world.

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

I think many of us over the years have paid a lot of attention to South America, our friends and neighbors down there, but not as much as we should have. I remember the time when South America had many countries controlled by the military, had military dictatorships, and they did not do things according to the way we do business. With the training a lot of these people have gotten from our School of the Americas, we now have a different situation in South America.

I just got back from a trip. The climate is entirely different. Most of these countries now are democracies. We do not have military dictatorships now. We have people there who go by the rule of law; people who want to be friendlier to us, and they keep wondering why we are not friendlier to them in trying to help them enter into the new millennium.

We have tried to teach them these important lessons at the School of the Americas and it has made a significant differences in fostering stronger bilateral relations and observance of the rule of law.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Moakley amendment to the Defense Authorization bill. This amendment will officially close down the School of the Americas until a report to Congress is submitted assessing the training procedures and their effect in Latin America.

Without this amendment, this bill would merely change the name of the School of the Americas to the Defense Institute for Hemispheric Security Cooperation and make other cosmetic changes.

The School of the Americas needs more than superficial changes.

I would like to take a moment to provide a roster of human rights violators who graduated from the School of Americas.

Nineteen of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits were graduates of the School of the Americas.

Ten of twelve cited for the El Mozote massacre graduated from the school of the Americas.

Two of the three officers cited in Archbishop Romero's assassination were School of the Americas graduates.

And four churchwomen—including Dorthy Kazel, a nun from Cleveland and a friend of mine—were raped and brutally murdered in El Salvador. The UN Truth Commission investigating the murders verified that the School of the Americas trained three of the five officers responsible for the churchwomen's deaths.

Dorthy Kazel was more than a friend to me. She was a friend to humanity. She went to El Salvador to bring about peace and justice for those who most desperately needed it. And she was brutally murdered for her efforts.

The bill fails to make necessary changes to the School of the Americas. It does not address the crimes committed in the past, it does not provide any comfort to the families who were impacted by these human rights violators which I listed. The New School will not establish adequate screening of incoming soldiers and it will not monitor graduates of this school.

I urge my colleagues to support the Moakley amendment, and if this amendment does not pass, I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, the amendment would strike section 908 which changes the School of the Americas to the Defense Institute for Hemispheric Security.

It is certainly correct to point out that several of the School of the America's graduates have been implicated in crimes, corruption, and human rights violations. Press reports have accurately noted that former Panamanian dictator Manuel Noriega was a former student, as was one of the Salvadoran officers responsible for the 1989 assassination of six Jesuit priests.

However, more than 60,000 young Latin American Officers have graduated from the SOA since its creation in 1946, the vast majority of whom have served their nations honorably and responsibly. Graduates of the SOA are personally responsible for the return of democracy in Latin American nations such as Bolivia and Argentina. Many of the school's graduates have lost their lives while combating the narco-guerillas and drug lords in Colombia and Peru. These counterdrug operations are of vital interest to the safety and security of our Nation as the efforts of these brave Latin American soldiers are aimed at reducing the flow of drugs into the United States of America. It would be a disservice to brand all the school's graduates as criminals because of the misdeeds of a very few.

There have been many false allegations in the past regarding the School of the Americas, such as the alleged existence of SOA torture manuals. There are no such manuals. The SOA does not in any way engage in or endorse such heinous activities. Nor does the SOA trains death squads and assassins. The SOA is run by officers of the United States Army who must operate the school in accordance with governing regulations of the U.S. Army, the Department of Defense, and U.S. Public Law. This type of an amendment is resulting in a smear of the reputation of the fine men and women of the U.S. Army and specifically the officers and non-commitioned officers who have led the SOA. The repeated, unfounded and destorted allegations about the school are outrageous.

One very positive result of the recent focus of attention on the School has been a much greater emphasis on human rights. Every student at the school is now exposed to a rigorous formal and informal training program on basic human rights. Specific classes and case studies are used to enhance the training and to make U.S. concerns unambiguously clear. The roles and rights of civilians, clergy, human rights observers, and UN personnel are integrated into the training program.

H.R. 4205 as reported provides even greater assurances that training for our Latin American allies will continue to stress democracy, human rights, etc.

Mr. Chairman, the Moakley amendment provides for a Congressional Commission to review and recommend whether to reopen a successor to the School of the Americas. This just isn't necessary. We have reviewed, studied and debated the School of the Americas repeatedly. H.R. 4205 is the right course, right now. This member strongly urges opposition to the Moakley amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. MOAKLEY to truly close the School of the Americas.

The School of the Americas was designed to educate and train Latin American military personnel in order to foster and bring about democracy and freedom in typically totalitarian governments. However, far from achieving these noble goals, SOA graduates have instead been linked repeatedly to massacres, assassinations and other atrocities in Latin America.

The United States should not be providing training in how to limit or abuse human rights. We need instead to be leaders in ensuring human rights and fair treatment for all people worldwide.

I have long been a supporter of legislation to close the SOA. It is both a waste of taxpayer money and an affront to our common principles of freedom, democracy and respect for human rights at home and around the world.

H.R. 4205 purports to close the School of the Americas. It does not. Instead, it simply makes a few cosmetic changes in the School's operation, gives it a fancy new name and then turns a blind eye to the repeated human rights violations committed by SOA graduates.

Cosmetic changes are not enough. We must truly close the School of the Americas. I strongly urge my colleagues to support the Moakley amendment to prohibit opening of a follow-on school for at least 10 months and to authorize a congressional task force to critically assess training of Latin American soldiers by the United States and report its findings to Congress within six months. This action is long overdue.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of the Moakley Amendment.

This body has already had this fight and we have won. Last August, the House voted to finally stop funding School of the Americas, and I quote, ''None of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.''

The effort to rename the school without changing its essential role is nothing more than a public relations scheme. Remember, this is an organization whose roster of graduates reads like a Who's Who of human rights violators: 19 of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits, 10 of 12 cited for the El Mozote massacre, 2 of 3 officers cited in the assassination of Archbishop Romero, and the list goes on and on.

More importantly, we have heard from the people. Their voices are smaller and their speeches are not as polished, but these are the people who have suffered from this scandalous school and they deserve to be heard. A name change will do nothing to improve the human rights record of this misguided institution.

I urge my colleagues resist this obvious scheme and support the Moakley amendment.

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

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106–624.

AMENDMENT NO. 3 OFFERED BY MR. COX

Mr. COX. 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. COX:

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA.

Neither the President nor any department, agency, or instrumentality of the United States Government may use the authority of Public Law 85–804 (50 U.S.C. 1431) or any other provision of law to enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to impose liability on the United States Government, or otherwise require an indemnity by the United States Government, for nuclear accidents occurring in North Korea.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from California (Mr. COX) and a Member opposed each will control 15 minutes.

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

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) claims the time in opposition.

The Chair now recognizes the gentleman from California (Mr. COX).

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

Just a few weeks ago, Mr. Chairman, the Los Angeles Times published an article with the lead, ''Warning to American Taxpayers: Without knowing it, you may soon take on responsibility

for what could be billions of dollars in liability stemming from nuclear accidents in, of all places, North Korea.''

The article continued: ''The Clinton administration is quietly weighing a policy change that would make the United States Government the insurer of last resort for any disasters at the civilian nuclear plants being built for the North Korean regime. But the Clinton administration is reluctant to seek a new law from the Republican Congress. That roadblock has sent administration lawyers scurrying through the United States Code, and they have found an obscure law that might be used in a new way.''

The article concludes: ''Presto, one little legal reinterpretation by the administration, and one huge new legal liability for American taxpayers.'' That according to the Los Angeles Times, April 12, 2000.

Perhaps not all of our colleagues are yet aware of how the administration has embarked upon a policy of subsidies to the Stalinist regime of Kim Jong Il in North Korea. From the founding of the Communist State in North Korea until the very last day of the Bush administration, North Korea received not a penny of U.S. foreign aid or U.S. taxpayer support. But that has all changed under the Clinton administration.

Today, the Stalinist government of North Korea is the number one recipient of U.S. foreign aid in the Asia Pacific region. Our aid is now totaling some two-thirds of a billion dollars. That aid is being used by Kim Jong Il's repressive government, to feed his million-man army, to use fuel oil for military industries, and, most improbably of all, to construct nuclear power plants; which, when they are completed, will produce enough plutonium for Kim Jong Il's army to build 65 nuclear weapons a year.

□ 1445

Now, this is the same government that has recently launched a three-stage ballistic missile over Japan. The proliferation risks of this venture are, obviously, the most frightening. But there are additional risks to the proposal to build nuclear plants for Kim Jong-Il as well, enormous risks to taxpayers from a nuclear accident at one of these plants if it were ever the case that the United States taxpayer would be on the line.

According to these published accounts not only in the Los Angeles Times but in industry publications as well, that is just what the administration is setting out to do.

I want to remind every Member that when the Clinton administration has advocated its North Korea policy before the Congress, they have always emphasized how limited our financial involvement would be and how limited our involvement in the nuclear reactor component of the KEDO program would be.

The administration's plans to put U.S. taxpayers on the line for the cost of nuclear accidents in North Korea and the administration's stated opposition to this amendment makes a mockery of those plans.

This amendment which I am offering, together with my Democratic colleague the gentleman from Massachusetts (Mr. MARKEY), prohibits the United States Government from making American taxpayers liable if the nuclear reactors that the Clinton administration is giving to North Korea are involved in a catastrophic nuclear accident.

If U.S. taxpayers are ever to be made liable in this unprecedented way for the costs of nuclear catastrophes in a foreign country, least of all North Korea, then it should be by the act of this Congress. That is the purpose of this amendment.

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

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

Mr. Chairman, 50 years ago when the Korean War started, few of us could have foreseen the kind of regime that would control North Korea for half a century.

This June, after half a century of almost complete isolation, the leaders of North and South Korea will meet directly for the first time. The agreements that have been worked out by the United States that have stopped the two attempts at a nuclear fissionable plant in North Korea and their missile program have been the first major gains in diplomatic efforts in that 50-year period as well.

We come here to the floor today basically arguing that 435 Members of Congress ought to negotiate the liability issues surrounding the building of the two plants that we have guaranteed would be built in North Korea in order for them to stop their own nuclear program and their own missile program.

Now, some on this floor are ready to spend $60 billion to stop the possibility of a North Korean missile aimed at the United States coming here and doing damage to our citizenry, something we ought to be worried about. They are ready to spend $60 billion. Maybe it might violate ABM, could cause all kinds of other problems, still has technical feasibility problems, but that they are ready to rush off to do.

But when we have a chance, and we have a successful program at this point that is led by Dr. Perry, the former Secretary of Defense, which has led to the cessation of their missile program and their nuclear problem at the two facilities that had an active program to create fissionable material, we are going to rush to this floor and we are going to say, wait a minute, the administration has not yet decided how they are going to be able to keep the contractors in this business. GE and others will leave if they end up with a liability.

The United States is working with the Japanese and the other coalition partners trying to work out a solution to the liability issue. But we are going to come to the floor today because we do not think there is a danger that North Korea will go back to building nuclear weapons, we do not think there is a danger they will go back to building their own missiles, because we want to rush to the floor and say, oh, no, no liability under any conditions.

Fifty years of the most isolated regime, for the first time, because of the work of Dr. Perry, we have the two sides sitting down and having a conversation. We have monitors and ways to check the North Korean missile and nuclear program, but now we have got to come to the floor and tell our contractors to go home because, yes, there might be some cost here.

There is some cost if North Korea spins out of control. Aside from the tens of thousands of people that starve to death, what about the North Koreans going back to trying to build nuclear weapons and nuclear missile programs? Is that not some danger for Americans?

I think we are imprudent by acting today. I ask my colleagues to reject this amendment, as well-intentioned as it is.

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

Mr. COX. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

(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, North Korea, lest we forget, is one of the most anti-American and potentially dangerous countries in the world. The administration's efforts to contain North Korea's nuclear weapons ambitions by providing modern nuclear reactors for its energy needs have done little to dissuade North Korea from pursuing a nuclear weapons program.

In fact, contrary to the conventional wisdom, the reactors being provided would not eliminate North Korea's ability to produce sufficient quantities of fissile material that could be used to build nuclear weapons.

Incredibly, it now appears that the administration may indemnify companies involved in the construction of these reactors and actually they would leave American taxpayers footing the bill for nuclear accidents in North Korea.

I cannot believe it. This would, essentially, hold the United States taxpayer hostage to the operation of nuclear reactors over which we have no control in a Stalinist country hostile to the United States and which is developing ballistic missiles capable of striking our country with weapons of mass destruction.

The Cox-Markey amendment would prevent this from happening. The costs

of a future nuclear reactor accident in North Korea could be astronomical and ought not to be paid for by our taxpayers.

Mr. Chairman, the amendment makes good common sense. I support it. I urge my colleagues to do the same thing.

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

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Chairman, I rise today to express my opposition to the Cox-Markey amendment.

I think this bill sounds good on its face, and it might make us feel like we are striking a blow against North Korea, but I believe its passage today is certainly a mistake.

My friend the gentleman from Connecticut (Mr. GEJDENSON) and others have made the argument very well, and I agree with them on that and on their concerns, that this is an end-run on the committee. On subjects as tricky as nuclear energy and North Korea, Members of this House need the committee process to vet the complex issues this amendment raises.

But I want to make a different point, though, and that is our timing is terrible. This debate comes at the worst possible time at what might be a turning point in history.

For the first time since the Korean nation was split in two, a summit has been scheduled between the leaders of the North and South. Hopes are high that they will make progress towards peace or, at least, a more permanent end to the tense standoff that has blighted Korea's history for 50 years and kept tens of thousands of American troops stationed in a dangerous place far from home.

In less than a month, South Korea's elected president, a national hero known for his courage and pressing for human rights, will meet with North Korea's new leader.

This North-South summit is an historic initiative that our country should support. Instead, by this vote, we risk sending a signal to Koreans in both nations that they cannot trust the United States to keep our solemn commitments.

The agreed framework is controversial, but it is also working. Now is not the time to chip away at it, and this amendment would do just that.

With 37,000 Americans stationed along one of the world's most dangerous borders, ending the Korean War or even lessening the hostile situation should be our country's highest priority.

This amendment needlessly antagonizes South Korea, our long-time ally, and North Korea, the well-armed neighbor that it is trying to bring into the international community.

Every time I go to that region, every time I visit with our military officers and people, they always say, ''what are you guys in Congress doing?'' They cannot believe that here in Washington we are rattling sabers while they are posted on one of the world's most dangerous front lines.

Few of us expect this amendment to win Senate passage. If it does, I doubt the President will sign it.

I urge my colleagues to restrain themselves, to resist the temptation to lash out at an administration and a country they disagree with. I urge them to put peace and American troops ahead of other considerations. Vote no on the Cox-Markey amendment.

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

Mr. Chairman, in response to the gentleman from Ohio (Mr. HALL), I would simply point out that there is no provision in the KEDO agreement for U.S. taxpayer liability for nuclear accidents in North Korea, nor is there any existing Federal statute that permits the administration to do this by fiat.

If taxpayers are to assume this liability in a remarkable expansion of the U.S. financial commitment to KEDO, then it should be by decision of this Congress. That is the only purpose of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

(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 am pleased to support the amendment that has been offered jointly by the gentleman from California (Mr. COX) and the gentleman from Massachusetts (Mr. MARKEY).

The amendment before us today is derived from the legislation I introduced on April 13 of this year entitled the ''Prohibition on United States Government Liability for Nuclear Accidents in North Korea Act of 2000.''

This legislation, H.R. 4266, was cosponsored by the two authors of today's amendment, as well as by the gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on Armed Services, the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific, and others.

Our bill and today's amendment are a response to recent disclosure of efforts within the Clinton administration to offer what amounts to U.S. Government insurance against whatever liability claims might be made if nuclear reactors that the administration is trying to give to North Korea are involved in a catastrophic nuclear accident.

Apparently, the administration is considering doing this, in effect exposing the U.S. taxpayer to potentially tens or even hundreds of billions of dollars in liability claims without the approval of Congress. They propose instead to reinterpret a law enacted in 1958 in a transparent effort to avoid Congressional participation in the decision that may have profound consequences for our Nation's financial solvency.

This effort within the administration was disclosed not in briefings to the Congress, nor in testimony before Congress by administration officials, but, rather, in an article in the Los Angeles Times dated April 12 of this year.

Among those who fear a possible nuclear catastrophe are the very contractors who the administration thought would be eager to participate in the $5 billion construction project in North Korea. Those contractors apparently are concerned that if there is a catastrophe they might be sued and the potential liability could bring down their companies.

I was surprised and alarmed to learn that the administration is considering offering an indemnity to contractors participating in the North Korean nuclear projects without the approval of Congress. Our staff had to ferret out that information through the conduct of Congressional oversight, and most Members of Congress first learned about it when they read about it in the Los Angeles Times.

Mr. Chairman, if the administration wants the U.S. Government to provide such insurance, then they should come to the Congress and make their case for it. Then, in accordance with the Constitution, we could consider that request and decide whether or not to approve it.

Mr. Chairman, the Cox-Markey amendment does nothing more than force the administration to respect the prerogatives of the Congress. Accordingly, I commend the sponsors of the amendment. I request our colleagues to fully support this measure.

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Mr. GEJDENSON. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from California (Mr. BERMAN), a senior member of the committee.

Mr. BERMAN. Mr. Chairman, the scare is unlimited indemnification by the United States in the case of a North Korean light-water nuclear reactor. But the amendment does not address the scare. The amendment sweepingly prohibits any and all indemnification or liability agreements without regard to how limited, how widespread, who is participating and what is happening.

Some people in this House do not like to see nuclear energy. Probably everyone in this House looks at North Korea as an adversary who has undertaken and engaged in irresponsible conduct domestically and in foreign policy. But everyone who votes for the amendment should think first about the fact that they could be torpedoing the agreed framework and the ability to get meaningful inspections about what the North Koreans have done with the plutonium that is not even reached yet by the present freeze in the North Korean

nuclear program. That is a very high price to pay for the pleasure of voting for an amendment which, on its surface, seems very attractive.

I think for purposes of making sure that we rid North Korea of any nuclear program whatsoever, of getting it in compliance with the nuclear nonproliferation treaty, of making it certified by the IAEA and of finally getting an account and disposing of the plutonium that we all know they have, it is a terrible mistake to vote for this amendment, and I urge the body to reject it.

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

I would just say to the gentleman that the KEDO program has never contemplated U.S. taxpayer liability for nuclear accidents in North Korea. Second, if the purpose is to rid North Korea of a nuclear program, it seems an odd way to do it, to build them nuclear reactors. If our object is to give them electricity, certainly a coal-fired plant or a hydro plant would make a great deal of sense.

Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we have so many red herrings floating around in the well down here today, we are going to have to build an aquarium. This has nothing to do with American nonproliferation policy. It has nothing to do with the agreed framework which everyone is talking about here. It has nothing to do with Star Wars, which I oppose, I think it is the stupidest idea of all time, but this is not what this debate is all about. It has nothing to do with Korean reunification, as much as we all sincerely hope that they will reunify. It has nothing to do with any of that. It has to do with a single company, General Electric, coming to this Congress and saying, we would like to be indemnified against wanton, reckless misconduct in the construction of our product if an accident occurs in North Korea. And if an accident occurs, we want the American taxpayer to shoulder the burden.

All we are saying is that General Electric should go into the private marketplace and get some insurance. Now, they are boasting in their puffing of this plant that they are going to make $30 million. Now, if with their $30 million worth of profit they cannot afford an insurance policy on this plant, then this is a pretty dangerous product. Now, my feeling is that out of the $30 million, they could probably spend a half a million or a million and get a good insurance policy, and then that insurance company should bear the risk. But it should not be the American taxpayer.

Generally speaking, what is going on here is that Adam Smith is spinning in his grave. General Electric wants us to socialize the risk but privatize the profit for them. But all of the American taxpayers are going to shoulder the burden. No other company, by the way, that is part of this project, it is not just General Electric, there are many other companies who are part of this project, none of them are asking for indemnification, only one company who does not want to go into the private insurance marketplace. It has nothing to do with Star Wars, nothing to do with the agreed framework, nothing to do with nonproliferation, nothing to do with anything.

Now, I believe that the American government, our negotiators, should have pushed them toward LNG, should have pushed them toward natural gas, should have pushed them toward clean coal. China would have been glad to sell it to them. By the way, Frank von Hippel at Princeton is quite convinced that a light-water reactor is not proliferation immune, that is, you can still build nuclear weapons out of a light-water reactor. We should have pushed them totally away from the nuclear technology. All of that is a separate issue. We do not have to debate that right now, only whether or not we should be giving one company American-taxpayer insurance protection when they should go out into the private marketplace, and everything else that we are debating here right now has no business being insinuated into this debate.

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

Mr. MARKEY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I am sure we would have had a better deal from the North Koreans if the gentleman from Massachusetts had done the negotiation. But since we are lucky to have the gentleman staying in Congress and not going off to work for any administration and to negotiate, we are stuck with the deals that administrations, as incapable as they are, work out.

Would the gentleman not agree that if this framework falls apart and the North Koreans go back to trying to build their own reactors, we are less safe than under this program?

Mr. MARKEY. I would agree with the gentleman on that. I do not agree with the gentleman that it is going to fall apart over whether or not an insurance company is picking up the risk or the American taxpayer. All we are arguing right here is if General Electric cannot get a private insurance company to assume the risk for this nuclear power plant, then we are going to encourage them to engage in reckless, wanton behavior in the construction of the materials, and as a result, have the American taxpayer pick up the cost of the accident which will invariably occur.

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

I would say the red herrings might be that if we do not allow our administration to negotiate an insurance policy that might have America financing that insurance policy, that that will make General Electric be wantonly irresponsible. That might just be a red herring.

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

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

Mr. ACKERMAN. There are a lot of things fishy going on on the floor today, Mr. Chairman.

The gentleman from Connecticut I think might know that I personally did go to North Korea, and I did begin the negotiation with the then dictator of North Korea, Kim Il Song, and it was a very difficult conversation, believe me. It was at a time when they were fully active with their heavy water nuclear reactor, when they were refusing to let the IAEA in to do the inspections and we had those constant standoffs at the airport and they did not want to budge.

To get them finally to agree that they would build down and take away and do away with their heavy-water reactor and switch to a light-water reactor, which we wanted them to do which would reduce the possibility of nuclear risk was a very difficult thing. The only thing that they wanted from us in return is to have the face, to be able to save face and not be able to say, well, the South Koreans and the Japanese of who they are not enamored with were bailing them out.

They wanted it to look like an international effort. So our contribution is basically funding the oil to heat their country while one reactor is turned off and the other one is turned on.

This is really about trying to embarrass the Clinton administration. This is really about establishing a strawman, a bogeyman to have an enemy to rally around and the North Koreans are very, very easy suspects to fill that role. What is going on here is basically to tear down the framework agreement. If we did not have the framework agreement, Mr. Chairman, this would be a much more dangerous world in which we live. This is critical that we go through with this. If this fails and they go back to their heavy-water reactor, where will we be? We will really need every bit of that $60 billion for Star Wars and all of those other things that we are talking about. This is the ounce of prevention that will save us megatons of cure.

Mr. GEJDENSON. Mr. Chairman, I yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time and would assert in direct refutation to my friend from Massachusetts that this has everything, everything to do about the larger issues of peace on the Korean peninsula. I am rather astounded that this amendment would be before us. We have come, since 1994, from the brink of military conflict to now the eve of a historic summit between leaders in that area. Lasting peace is a long ways away, but this summit is a historic opportunity

for an advance, and here we are acting as though there has been nothing successful achieved under the nuclear framework.

This framework was negotiated because of the concern that the nuclear facility at Yongbyon could produce weapons grade material, and in fact, that they were moving plans to do that very kind of processing. The agreement to move to a light-water nuclear electricity capacity for North Korea deprives them of this material which is so very dangerous in light of its potential application for weapons grade plutonium.

We asked Secretary Perry, who negotiated this initial agreement, to go back and take a look at whether the framework was working. He reported to the Committee on International Relations, and I quote, ''The nuclear facilities remain frozen, a result that is critical for security on the peninsula since during the last 5 years those facilities could have produced enough plutonium to make a substantial number of nuclear weapons.''

Now, earlier this week, just days earlier, the gentleman from Massachusetts (Mr. MARKEY) was part of another legislative initiative along with the gentleman from New York (Mr. GILMAN), the Gilman-Markey amendment which would require House prior approval before the United States would enter nuclear cooperative agreements or provide key components, restricted components on the A–10 list as part of a nuclear agreement.

This prior House approval resolution passed 374–6. We have established the oversight opportunity to carefully watch this. Let us not pass this resolution which reflects the worst kind of armchair quarterbacking, coming in without being a party to the discussions at all despite their successful 5-year record so far and try to pick apart and undermine their future prospects for success even while the leaders prepare for the historic summit in Korea.

Reject this amendment. It is well intended but wrongheaded. Stick with the Gilman-Markey approval we earlier passed. We have all the oversight we need.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN) who has done such fine work in this area.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Maine is recognized for 2½ minutes.

Mr. ALLEN. Mr. Chairman, I rise in opposition to the Cox-Markey amendment. All of us agree that North Korea is a dangerous rogue state, but this amendment is about whether or not we can promote policies to make North Korea less of a threat or we just sit by and let the threat develop. We all agree we want to make North Korea less dangerous, and that is why we should reject this amendment. In 1994, the closed North Korean government opened up just enough to sign an agreement with us to eliminate its nuclear weapons program. The agreed framework has given us a great opportunity to reduce the threat from that country. The Cox-Markey amendment could jeopardize that opportunity by causing the United States to renege on its end of the bargain, which was to work with South Korea and Japan to build civilian nuclear reactors in North Korea. The amendment would, in effect, construct an insurmountable barrier to our cooperation in the framework.

Now any businessperson knows the importance of dealing with liability issues before the deal goes forward.

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If we block the possibility of the U.S. Government assuming some, and certainly not all, of the liability for the reactors, we likely sink this deal.

The proponents are claiming to speak for the American taxpayer, but the rush to deploy a national missile defense is premised on defending against the North Korean missile threat, and that system's price tag is $60 billion. Those are real dollars to the American taxpayer. But the proponents of this amendment are rejecting a sensible effort to reduce the North Korean threat before it becomes a problem. The agreed framework is far from perfect, but it gives us the opportunity to eliminate North Korea's nuclear weapons program and to make their missile program less threatening, and it is far, far cheaper than $60 billion. Our national security policy is not served by a policy that says let us sit idle while they build it, and hope that some untested, unproven antimissile shield will work after the missiles are launched.

I urge my colleagues to think of the consequences of this vote, to think of the long-term security interests in Korea, and vote against the Cox-Markey amendment.

Mr. COX. Mr. Chairman, I yield the balance of my time. The gentleman from Michigan (Mr. KNOLLENBERG), a senior Member of the Committee on Appropriations, who has done a substantial amount of work on KEDO over the years.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Michigan is recognized for 1 minute.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me time, and thank the gentleman from Massachusetts (Mr. MARKEY) for his cosponsorship.

As the chairman has just stated, I have been a Member of the Committee on Appropriations, and I believe I am very familiar with this framework, with KEDO and the substance of this amendment and why we have this amendment.

Under KEDO and the administration's current policy with North Korea, as everybody knows, the U.S. is leading an effort to finance and build these two nuclear reactors. For whom? For North Korea, perhaps the most regressive regime in the world. It is not only illogical, but it is dangerous to the national security of this country.

But let us talk about the thing that I think may have been overlooked here, experience. The North Koreans clearly do not have the expertise to safely operate two nuclear reactors. Who are the operators going to be? Who will handle the plant management? One cannot create a nuclear industry infrastructure by administrative fiat. It requires the time to educate, to train all the necessary people and to develop the required supply chain.

The CHAIRMAN pro tempore. All time has expired.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for yielding.

The North Koreans simply do not have the equipment, they do not have the capability to handle this method of producing electricity. Now, the companies that are involved here realize this. They know what the dilemma is, and, therefore, do not want to accept the billions of dollars of risk associated with building nuclear reactors in such a dangerous rogue nation. There is nothing that the U.S. can do to assure companies that the inexperienced North Koreans will not improperly operate these plants, and, thus create radioactive mishaps or accidents.

If there is anything that we have learned from our experience with North Korea, it is that there is no way that you can predict what they are going to do.

Now, faced with this dilemma, the administration is now looking for a way to put the U.S. taxpayers on the hook for this enormous liability. I think that is simply unacceptable, and this amendment is necessary to prevent it from happening.

Once again, I thank the sponsors, and strongly urge my colleagues to support this amendment.

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

Mr. Chairman, I would just like to say one thing in this respect. I said something earlier, but if my friends on the other side who oppose this amendment think, as I have heard them say, that North Korea has changed for the better and they are less hostile to our country, I want to let them know they are living in a fantasy world. The real world is that North Korea takes all we have to offer and give them to buy them off, and at the same time, they continue to develop weapons destructive toward us, aimed at us, and they also export to other rogue nations technologies to help them oppose us in the world.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, we must keep our focus on the narrow purpose of this amendment, which is to keep

Congress in control over any decision whether the U.S. taxpayer should be put on the hook for a multi-billion dollar liability for nuclear accidents in North Korea.

It is, to say the least, a surprising policy that this administration, the Clinton-Gore administration, with the author of Earth in the Balance complicit in the decision, has decided to use taxpayer resources to build nuclear power plants, nuclear power plants not for U.S. consumers, but for a repressive regime that has armed itself to the teeth. They are maintaining a 1 million-man army while the people of North Korea are so impoverished they are eating the bark off of trees.

But leaving aside our warranted astonishment with this policy of building nuclear power plants for Kim Jong Il, which will produce plutonium which could be used to make nuclear weapons and be fitted on the missiles that he will continue to develop while we are giving them this aid, the new question that is put before us now is whether or not the agreed framework between the United States and Japan and South Korea and North Korea is going to be distorted in a way not contemplated by this Congress or by the administration, that the liability of the U.S. taxpayers will be enormously increased without any consultation with Congress, and, most importantly, without any legal authorization for doing so.

Earlier today I discussed this with Ambassador Sherman from the Department of State. She told me that the Republic of Korea National Assembly may soon be considering legislation to accept some part of the liability for nuclear accidents in North Korea. That would be a good policy for the U.S. Congress to follow.

Just as the ROK, we are also parties to this agreement. Let us not change the agreement and the financial commitment of the United States by fiat of the State Department. Let us not stretch a statute beyond all recognition in an unprecedented way to impose billions of dollars of liability on U.S. taxpayers.

It is precisely because the potential damages here are so great that the Clinton administration is considering an unprecedented use of a defense contracting provision in Title 50 of the United States Code, Section 1431, to impose unlimited nuclear liability on U.S. taxpayers. The Congressional Research Service has been unable to find any precedent for this. They have been unable to find any precedent for such use of this provision or for the assumption of unlimited foreign nuclear liability by U.S. taxpayers under any provision of U.S. law.

If we are to do this, then we should do it after debate on the merits in this Congress. That is the way that multi-billion dollar commitments of U.S. taxpayer resources should be made in our government, with legal authority, not by fiat.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for the Cox-Markey amendment to prohibit U.S. Government agencies from assuming liability for nuclear accidents that might occur in North Korea.

The amendment of the distinguished gentleman from California, Mr. COX, and the distinguished gentleman from Massachusetts, Mr. MARKEY, is made necessary by the willingness of the Executive branch to become the insurer of last resort for the two light-water nuclear reactors being constructed in the Democratic People's Republic of Korea (DPRK). American companies are understandably reluctant to shoulder the liability themselves, for they understand the risk of accident associated with this project is unacceptably high.

In the event of a Chernobyl-type catastrophe in North Korea, the United States could be held liable for legal claims. Such claims could be massive—reaching into the hundreds of billions of dollars! And, because North Korea is to operate and administer the light-water reactors, we are essentially trusting that North Korean technicians will keep the reactors operating in a safe manner. This Member would warn his colleagues that North Korea is not a nation that historically pays close attention to safety. Quite the reverse, what little contact we have had with the DPRK suggests that safety is the last thing on their mind. This body must assume that North Korea will willingly cut safety corners to extract as much profit as possible.

Mr. Chairman, the Korean light-water nuclear reactor project (KEDO) is a highly controversial initiative, and opinions differ on its wisdom. However, this amendment is not an attempt to undermine U.S. participation in North Korea's light-water nuclear reactor project (KEDO). Rather, the Executive Branch is artificially, and inappropriately, attempting to ''prop up'' the KEDO agreement that may be collapsing under its own weight. The problem before this body is that this nuclear development project could result in countless billions of dollars in liability claims.

Mr. Chairman, if the marketplace is not willing to assume the risks associated with possible North Korean nuclear disaster, perhaps the body should pause before allowing the Federal Government to assume the liability. The amendment of the distinguished gentleman from California and the distinguished gentleman from Massachusetts is a commonsense response to a very real problem. This Member would note his intention to offer a companion amendment to the appropriate appropriations bill, prohibit U.S. funds from being spent for the assumption of nuclear liability related to North Korea.

This Member commends his colleagues for offering the amendment, and urges approval of the Cox/Markey amendment.

Mrs. TAUSCHER. Mr. Chairman, I urge Members to vote against the Cox-Markey amendment to the Defense Authorization bill. This amendment would undermine the framework agreed to by the United States and North Korea in 1994, and would have the effect of preventing continued progress in the critical area of nuclear non-proliferation.

The Cox-Markey legislation would forbid the United States from indemnifying the technology provided by an American contractor for civilian nuclear reactors in North Korea. The United States agreed to help build these reactors in exchange for North Korea's freezing of its nuclear-related activities at two sites. In the interim, these reactors are necessary to provide sufficient energy for parts of North Korea. If this amendment were to pass, the contractor will be forced to pull out of the project, leaving the U.S. unable to fulfill its part of the agreement. North Korea would then lack any reason for not resuming work at its nuclear sites.

We have a good agreement with North Korea. It effectively limits the nuclear threat posed by that country, and it does so in an intelligent way. The agreement is good for the U.S., and it commits us to building several reactors, which we will finance in concert with two of our Pacific allies, Japan and South Korea. This is a small price to pay for the dangers we can reduce in North Korea. If the Cox-Markey amendment passes, we will undermine the agreement, which will have two consequences. First, it will provoke North Korea to continue its production of nuclear warheads. Second, it will cause the U.S. to renege on its share of the duty, making us look unreliable to our allies.

For these two reasons, I urge my colleagues to oppose this amendment.

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

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. COX).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106–624.

AMENDMENT NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. 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. SKELTON:

Strike title XV (page 354, line 6, through page 359, line 16) and insert the following:

TITLE XV—LAND CONVEYANCE REGARDING VIEQUES ISLAND, PUERTO RICO

SEC. 1501. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) CONVEYANCE REQUIRED.—

(1) PROPERTY TO BE CONVEYED.—(1) Subject to subsection (b), the Secretary of the Navy shall convey, without consideration, to the Commonwealth of Puerto Rico all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support detachment located on the western end of Vieques Island, Puerto Rico.

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than December 31, 2000.

(3) PURPOSE OF CONVEYANCE.—The conveyance under paragraph (1) is being made for the benefit of the Municipality of Vieques, Puerto Rico, as determined by the Planning Board of the Commonwealth of Puerto Rico.

(b) RESERVED PROPERTY NOT SUBJECT TO CONVEYANCE.—

(1) RADAR AND COMMUNICATIONS FACILITIES.—The conveyance required by subsection (a) shall not include that portion of

the Naval Ammunition Support detachment consisting of the following:

(A) Approximately 100 acres on which is located the Relocatable Over-the-Horizon Radar and the Mount Pirata telecommunications facilities.

(B) Such easements, rights-of-way, and other interests retained by the Secretary of the Navy as the Secretary considers necessary—

(i) to provide access to the property retained under subparagraph (A);

(ii) for the provision of utilities and security for the retained property; and

(iii) for the effective maintenance and operation of the retained property.

(2) OTHER SITES.—The United States may retain such other interests in the property conveyed under subsection (a) as—

(A) the Secretary of the Navy considers necessary, in the discharge of responsibilities under subsection (d), to protect human health and the environment; and

(B) the Secretary of the Interior considers necessary to discharge responsibilities under subsection (f), as provided in the co-management agreement referred to in such subsection.

(c) DESCRIPTION OF PROPERTY.—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under subsection (f), shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to subsection (b).

(d) ENVIRONMENTAL RESTORATION.—

(1) OBJECTIVE OF CONVEYANCE.—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of Vieques Island.

(2) CONVEYANCE DESPITE RESPONSE NEED.—If the Secretary of the Navy, by December 31, 2000, is unable to provide the covenant required by section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—The Secretary of the Navy shall remain responsible for the environmental condition of the property, and the Commonwealth of Puerto Rico shall not be responsible for any condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EXTENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico), once Puerto Rico acquires ownership or control of the Naval Ammunition Support Detachment by the conveyance under subsection (a).

(ii) Any political subdivision of the Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico) that acquires such ownership or control.

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising our of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) ACCRUAL OF ACTION.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms ''hazardous substance'', ''release'', and ''pollutant or contaminant'' have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(f) MANAGEMENT.—

(1) CO-MANAGEMENT OF CONSERVATION ZONES.—Those areas on the western end of the Vieques Island designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy shall be subject to a co-management agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust and the Secretary of the Interior. Areas adjacent to these Conservation Zones shall also be considered for inclusion under the co-management agreement. Adjacent areas to be included under the co-management agreement shall be mutually agreed to by the Commonwealth of Puerto Rico and the Secretary of the Interior. This determination of inclusion of lands shall be incorporated into the co-management agreement process as set forth in paragraph (2). In addition, the Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding, shall be included in the co-management plan to be protected under the laws of the Commonwealth of Puerto Rico.

(2) CO-MANAGEMENT PURPOSES.—All lands covered by the co-management agreement shall be managed to protect and preserve the natural resources of these lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the co-management agreement, including the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the National Historic Preservation Act. The co-management agreement shall be completed prior to any conveyance of the property under subsection (a), but not later than December 31, 2000. The Commonwealth of Puerto Rico shall implement the terms and conditions of the co-management agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(3) ROLE OF NATIONAL FISH AND WILDLIFE FOUNDATION.—Contingent on funds being available specifically for the preservation and protection of natural resources on Vieques Island, amounts necessary to carry out the co-management agreement may be made available to the National Fish and Wildlife Foundation to establish and manage an endowment for the management of lands transferred to the Commonwealth of Puerto Rico and subject to the co-management agreement. The proceeds from investment of the endowment shall be available on an annual basis. The Foundation shall strive to leverage annual proceeds with non-Federal funds to the fullest extent possible.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes. Does the gentleman from South Carolina wish to claim the time in opposition?

Mr. SPENCE. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from South Carolina will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

Mr. Chairman, I speak in favor of a strong national security. This amendment is for just that. My amendment is the only way we can get back the range at Vieques permanently. My amendment would strike language that is in the bill that guts the negotiated agreement between the administration and the Navy on the one hand, and the Governor of Puerto Rico on the other.

My amendment would put in place the first piece of the conveyance, the conveyance of the excess land on the western end of the island, to the people of Vieques. During the debates we have heard much of the island of Vieques, a lot about what the Navy needs and why it is important to the Navy. Well, that is an excellent point.

If we really want to know what the Navy needs, let us listen and find out from the Navy itself, the Secretary of Defense and the President. The Secretary of the Navy, the Secretary of Defense and the President all vigorously opposed the language in the bill regarding Vieques. The Secretary of the Navy states that the committee bill ''would establish conditions on disposal of the Naval Ammunition Support Detachment that are contrary to presidential directives on that subject.''

The Secretary of Defense, William Cohen, says that ''any legislative proposal that unilaterally undermines that agreement will reverse the positive momentum that has been accomplished to date.''

The administration policy is ''the title of the bill regarding the Navy's facilities in Vieques, Puerto Rico, is unacceptable. If enacted, key provisions would make it likely that our Navy and Marine Corps personnel would not be able to get the training they need on the island.''

Departments of the Navy and Defense and the administration as a whole strongly support this language. It strikes this title and replaces it with language regarding the first part of the agreement, and that is the transfer of excess land to the people of Vieques.

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

Mr. SPENCE. Mr. Chairman I rise in opposition to this amendment, and 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, I appreciate the position my good friend from Missouri is in in having to offer this amendment. He is one of the strongest supporters we have of our troops and the training they must get. He is always talking about this being the year of the troops, and he is called upon by his administration to offer an amendment that would do harm to the training that our troops receive.

Mr. Chairman, the gentleman's amendment would strike the provisions contained in our bill. I support our bill, the Committee on Armed Services bill, the provisions that deal with Vieques. This amendment seeks to replace them with the administration's flawed approach, as established by the agreement between the President and the Governor of Puerto Rico on January 31, 2000.

Since the Navy ceased training on Vieques in April of 1999, East Coast-based Naval forces have experienced a decline in combat readiness. The ranges on Vieques island are the only place where our forces can conduct joint combined live fire training in conjunction with the actual amphibious landings by our troops ashore. When I was on active duty with the Navy, I remember back in those days being involved in training in Vieques myself. I know how valuable it is.

Vieques is, in the words of Vice Admiral William Fallon, the Commander of the Second Fleet, ''an irreplaceable national asset.'' And it is a national asset. People do not realize we own that island. We bought it. It belongs to the United States Government. Where else in this country and overseas do we have referendums to allow us to use our own bases for live firing?

□ 1530

Without live-fire training at Vieques, carrier battle groups and amphibious ready groups will continue to deploy overseas without the necessary training for combat. Therefore, access to Vieques for live-fire training must be retained. Anything less endangers the lives of American sailors and Marines and others who train there. We are putting our own people in jeopardy by what we are doing. We are not looking out for their welfare, and we are not looking out for the welfare of this country.

By endorsing the agreement between the President and the Governor, the amendment undermines the provisions in the bill that would ensure proper access to Vieques. Further, the amendment endorses the troublesome precedent of allowing the future of military training on Vieques to be determined by a referendum.

By allowing local communities to decide where the military can train, this amendment places in jeopardy current access to other critical military installations, as I have said before, both in this country and overseas.

The Vieques provision in this bill is fair and equitable. They allow for the conveyance of the land on the west end of Vieques to the Puerto Ricans and authorize $40 million in economic assistance for local citizens once live-fire training has resumed.

At the same time, they restrict live-fire training to 90 days a year and direct the Navy to take measures to ensure the safety of the local populace.

The bill protects the readiness of our military forces by ensuring that they have access to the best training facilities available, a facility that will allow them to train to protect their lives and the lives of other Americans the next time they are called up to take up arms in defense of this country.

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

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds to point out the actual facts that are before us. There is nothing in my amendment that talks about remuneration. There is nothing in my amendment that talks about a referendum. What it does, it strikes the killing language and transfers the excess western part of the island. That is all it does.

Mr. Chairman, I yield 3 minutes to the Resident Commissioner, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise on this occasion to express my solid support for the amendment of the gentleman from Missouri (Mr. SKELTON) on Vieques. I speak as the only elected representative of the 4 million U.S. citizens in Puerto Rico and Vieques and on behalf of the Governor of Puerto Rico and the Mayor of Vieques, to reinforce the importance of approving the Vieques land conveyance component of the presidential directives.

Both the presidential candidates also support this amendment. They support the presidential directives. First of all, I want to clarify that this land conveyance is limited to the western lands of Vieques and will have no impact on the eastern end of the island where the Navy's bombing range is located.

Looking at a map of Vieques, the eastern part of the island is where the range is located, in the easternmost part, and the western part, which are the lands that we are considering here, have nothing to do with the maneuvers and the training in Vieques now and they have been declared, the Navy itself does not need the western lands that make up the Naval ammunition depot.

In fact, the Secretary of the Navy indicated by letter to Speaker HASTERT that there has been little use of the property in recent years and that it is no longer needed for Federal purposes.

Parts of the agreement reached by the Secretary of the Navy, the Secretary of Defense, the President and the Governor of Puerto Rico are already implemented. After the Navy peacefully removed the protestors from the live impact range on the eastern end of Vieques, with the help of the police department in Puerto Rico, they immediately renewed military exercises with inert ordnance on May 10th. The people in Vieques did not even realize that inert ordnance was being used and that the bombing was going on. So everyone is peaceful now and satisfied.

We in Puerto Rico have done our part with the agreement. We have carried out our part of the agreement. Now it is the Navy's and the administration's turn to do their part of the agreement.

What is the issue here? Is it to prove that the Navy can beat the little Island

of Vieques, a 20 square mile Island of Vieques with 9,300 people; the Navy is more powerful than Vieques? We concede that argument.

The Navy is much more powerful than Vieques. Of course it is, and it could carry out the bombing if it wanted to. But is that the Navy of the 21st century that wants to represent the Nation? Is that what we want?

This Nation was born out of a cry that no taxation without representation. Actually, in Vieques what the people are saying is no more bombing without some representation, or at least a referendum. That is what we are saying. This is a very, very valid statement, because they have no representation.

I represent them here but I cannot vote. We have no representation in the Senate. So they feel that they are by themselves, and they are asking for justice. They are asking that after all these years, after the land was taken over by the Navy in 1941, during the Second World War, where everyone in Puerto Rico, U.S. citizens in a patriotic sense of duty, they never contested the condemnation. This was going to be used for the Second World War, but the war never ended for Vieques and now they are asking let us put the presidential directives in place.

They are reinforced by the President, by the presidential candidates, by the Secretary of the Navy, by the Secretary of Defense, by the Naval Operations officers and we have those letters to confirm that.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Chairman, I think the gentleman from South Carolina (Mr. SPENCE) said it right. What we are talking about is the troops. Who is going to take care of the troops in this thing or who cares about political things? That is what we are talking about here if we want to be gut honest about this.

What is the history on this thing, anyway? This thing was turned over to the United States Navy in the 1940s. They put $3 billion into that area. What is it? It is a test and training range, and that is what it is used for.

Now we talk about all of these letters from the President and the Secretary and that, and they are all political people. Let us talk about the people who have stars on their shoulders. Here are two letters that just came to me just yesterday, and what do they say?

General Jones, the Commandant of the Marine Corps, talks about the idea that the curtailment of Vieques would, in effect, curtail the work we are doing there and people would perish.

Let us talk about the CNO of the Navy, the chief Naval officer, what does he say? The same thing. The people will perish if they have the right to do that.

Are there other test and training ranges? Of course there are. They are all over America, and there are people bombed right next to them. I have one right in my district called the Utah Test and Training Range. And guess what? Every month or so somebody goes onto that range, and it is called trespass. If they do it and will not leave, they are prosecuted, and that is what should have happened here. But, no, they did not prosecute these people. Janet Reno elected not to do it.

I ask my colleagues to ask themselves this question: Why, oh, why, does the President of the United States get involved in a trespass on a thing that is Navy property? He gets involved and strikes a deal that does absolutely nothing for us. If that is the case, we have them every day. I was checking with the one at China Lake, with Eglin, with the Utah Test and Training Range, with Nellis, with Mountain Home. Trespasses every day.

Well, why do we not get involved in them also? There must be something here besides the training of our troops.

The George Washington is going out. The George Washington is a carrier battle group, and on that carrier battle group, do we know what the CNO of the Navy had just said yesterday? He has made the statement that this is not prepared for battle and we are turning these guys into harm's way because of that.

Now does that bother anybody besides me here? I am really kind of concerned about this. It was pointed out that this does not make any difference. It does make a difference because it strikes the language that we have.

Mr. SKELTON. Mr. Chairman, I yield myself another 15 seconds.

Mr. Chairman, quoting from General James Jones, the Commandant of the Marine Corps, his letter goes on to say additional information. It says, ''Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential.''

We should read the entire letter to this body.

Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member from our committee, the Committee on Armed Services, the Subcommittee on Military Personnel.

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

Mr. ABERCROMBIE. Mr. Chairman, I rise on this occasion to reiterate my support for the agreement reached by the President, the Secretary of Defense, the Navy, the Governor of Puerto Rico, to resolve the impasse over the Navy's training at Vieques.

As a witness to the experience of Kaho'olawe, a small island in Hawaii which was bombed for many years and on which significant progress has been made, I feel I am uniquely qualified to speak on the issue of Vieques.

The agreement between the Department of Defense and the Governor of Puerto Rico was thoughtfully crafted and the product of tireless effort. The agreement addresses the concerns of American citizens of Vieques and assures that our training needs are met. This agreement was reached not with the protestors but with the lawful authorities in Puerto Rico.

Because of the agreement, the Federal and local government enforcement officers removed the demonstrators blocking access to the training facility and the Navy is conducting training on Vieques as we speak.

Now last week, the Committee on Armed Services approved language that disrupts this carefully-crafted agreement and I want to discourage my colleagues from further jeopardizing the outcome they wish to obtain regarding the Navy's presence in Vieques.

Disruption would require the Vieques issue to go back to the drawing board. We should respect the hard work that has been done, and the national security interests representing the people of Vieques will be served.

Further, this effort by the Congress could very well end up backfiring. Disruption of the process will inevitably bring negative consequences for the Navy, and in that ill-fated effort it kills the possibility of building a relationship between the Navy and the people of Vieques.

The resolution is best accomplished by moving forward with the agreement. The Skelton amendment takes the first step towards living up to the negotiated agreement. I urge all my colleagues, particularly those on the Committee on Armed Services, to support the agreement reached by the Department of Defense and the Governor and support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 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 (Mr. SPENCE) for yielding me this time.

Mr. Chairman, I also would agree it is important to keep the record clean. When the former Governor of Puerto Rico stands in the well and says that this land was taken by condemnation, that is completely false and I believe he knows that. The land was purchased at fair value between 1941 and 1950 for the use as a live-firing range. So I want the record clean.

Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. SKELTON. The agreement on Vieques range that the administration has reached with the Government of Puerto Rico, I believe, is fundamentally flawed in several respects, including the terrible precedent that the President's provision for a referendum sets.

Allowing the local communities to vote on the type of training that can be conducted at a military range endangers our military's access to other critical facilities both in the United States and overseas.

Even more importantly, the agreement permits the Navy and the Marine Corps to return to Vieques but only using inert munitions, which do not provide the type of combat arms training that our Navy and Marine Corps teams require.

The Commandant of the Marine Corps, James Jones, whose name is being thrown around a lot here today, and I would say to the gentleman from Missouri (Mr. SKELTON) I will also read from part of his quotes, he said, ''Inert training cannot replace the experience gained from training with live-fire ordnance. Employing live ordnance will allow us to train as we intend to fight.''

He goes on to say that the curtailment of training operations would have, quote, a significant detrimental effect on Navy and Marine Corps readiness.

When asked what the impact on Navy readiness would be if the Vieques range is restricted to inert ordnance only, the Chief of Naval Operations, Admiral Jay Johnson stated, ''The proficiency obtained by the personnel involved would be less than optimum.''

Significant detrimental effect on readiness and less than optimum? What these statements mean are longer, more costly wars and pictures on CNN of flag-draped coffins at Dover Air Force Base.

□ 1545

Is that what America really expects of us, those of us here in Congress that have the ultimate responsibility to ensure that the men and women who serve in the Nation's military are adequately trained? I think not. Vote down the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in support of the Skelton amendment, which eliminates the offensive and onerous language in this bill regarding Puerto Rico and Vieques.

The current language of the bill allows the U.S. military to resume bombing of the island of Vieques with live ammunition. This is an abomination to the people of Vieques and all of Puerto Rico. Instead of returning the island to a state of siege, the Skelton amendment would return the land to the people of Vieques, who have generously and patiently allowed live ammunition to strike closer to their homes, and for a longer period of time, than any other group of United States citizens.

This land transfer is one small step towards justice for the people of Vieques, but an important one. My support for the Skelton amendment in no way suggests my support for President Clinton's directive regarding Vieques, to which I am vigorously opposed.

President Clinton as Commander in Chief of our Armed Forces should listen to the Puerto Rican people and end the bombing of Vieques. I remind my colleagues that President Bush showed this courage when he stopped the bombing of a Hawaiian island. How sad that President Clinton refuses to show the same vision on behalf of the people of Puerto Rico.

In the absence of President Clinton's commitment to do the right thing, to immediately and permanently end the bombing in Vieques, I strongly support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Missouri (Mr. SKELTON), a friend that I usually find myself in agreement with, but not today, not on this amendment.

If adopted, the amendment of the gentleman from Missouri (Mr. SKELTON) would codify the President's fundamentally flawed agreement with the Governor of Puerto Rico concerning an irreplaceable training area.

Under the President's agreement, the Navy and Marine Corps are only allowed to use inert ammunition, ammunition that does not provide the type of combined arms training required to ensure combat readiness.

In fact, the Chief of Naval Operations, Admiral Jay Johnson, has stated that due to the moratorium of training with live ordnance, the Battle Group and Amphibious Ready Group will not be assessed by the Commander in Chief of the Atlantic Fleet as fully combat ready, as previous Battle Groups that have had the use of Vieques for integrated training.

Additionally, Mr. Chairman, voting in favor of the Skelton amendment is an endorsement of a referendum on Vieques, as outlined in the President's agreement. This referendum sets a bad precedent. Allowing a local community to vote on the type of training that can be conducted on our military ranges endangers our military's access to other critical facilities, both in the United States and overseas.

What are we going to do? Are we going to have a referendum at Fort Carson, Colorado, and say we cannot use live fire anymore; a referendum at Fort Sill, Oklahoma, or any innumerable sites across the United States and say we cannot do it anymore? Where are we going to train?

H.R. 4205 protects U.S. national security by ensuring our military's access to this vital facility, while at the same time taking into account the concerns of the citizens of Vieques. It allows the transfer of the western ammunition area and the $40 million in economic assistance, once uninterrupted live fire training resumes. It denies the transfer of any portion of the eastern maneuver area, where the critical ranges are located, and places restrictions on the amount and type of training that the Navy can conduct on Vieques.

I oppose the Skelton amendment. I ask my colleagues to oppose the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Skelton amendment. Some in this Chamber are claiming that Vieques is vital to our national security, and that those who oppose this are somehow less American than others. That is why I am so pleased that the gentleman from Missouri (Mr. SKELTON) is the lead on this important amendment. I cannot think of a better messenger for such an important message.

No one in this Chamber questions the dedication of the gentleman from Missouri (Mr. SKELTON) to our armed forces and our national defense. I am pleased to stand behind him and support his amendment.

With the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the gentleman from New York (Mr. SERRANO), the gentleman from Illinois (Mr. BLAGOJEVICH), the gentlewoman from New York (Ms. VELAZQUEZ), and the gentleman from Illinois (Mr. GUTIERREZ), I sponsored the original House legislation to return the Navy-owned lands on the island of Vieques back to the people of Puerto Rico.

This past January an agreement was reached between the Navy and the government of Puerto Rico to handle this delicate situation. The compromise allows for the resumption of training on the island temporarily, while the U.S. Navy can find another training location.

The Navy supports this agreement, the government of Puerto Rico supports this agreement. Unfortunately, the Committee on Armed Services is ready to overturn the hard won compromises in the Clinton-Barcelo agreement.

The committee produced a good bill to strengthen our national security, but there are some problems in this bill. The Skelton amendment will correct one of the biggest flaws in this overall good bill.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I have trained on these kinds of ranges. I have taken that same training. I have employed it in war. I currently represent one of these ranges that is the West Coast version of Vieques. That training is invaluable. We could not be effective in that kind of action without it.

Our obligation to the young men and women that we employ in our armed forces is to give them the best possible training before they go in harm's way, and today we routinely deploy, routinely deploy our carrier battle groups and amphibious ready groups where they immediately are put in harm's way in many cases, whether it is bombing Iraq, flying over the Balkans, or some embassy-saving they have to do.

This range must remain available for our forces' live fire combat training,

riod. I will say it again, it must remain available. We have adequate safeguards to protect the people of Puerto Rico.

Mr. Chairman, I urge all Members to vote no on this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

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

Mr. Chairman, I rise today in strong support of the amendment offered by my distinguished colleague. In accordance with the presidential directives concerning Vieques, Puerto Rico, Federal and local law enforcement officers have now removed the peaceful civil demonstrators who had been blocking the Navy's access to that bombing range.

As a result of this removal, the Navy has regained control and has access to the range. In fact, the U.S. Navy warplanes recently resumed training on the Atlantic fleet bombing range in Vieques using air-to-ground inert ordnance. Now it is up to Congress to guarantee further fulfillment of the presidential directives.

The Skelton amendment will facilitate a key component of the directives. In addition, the directives have the support of Hispanic-American leaders and Puerto Rico's top elected officials. As the Secretary of Defense told the Committee on Armed Services in a letter dated May 10, 2000, this is in the best interests of our national security. Any action by this Congress to amend the directives or to short-circuit the processes already underway would further polarize all the parties involved. These directives ensure the safety of the disenfranchised U.S. citizens of Vieques, and provide a sensible framework that allows the Navy to continue its training operations.

The President, the Navy, and the Governor of Puerto Rico have all stood by the presidential directives. It is now in the hands of Congress to protect our national security and to protect the 9,300 people, Hispanic-Americans, in Puerto Rico.

I urge my colleagues to vote yes on the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ 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 express my outrage at the arrogance displayed by the language in this bill that deals with the island of Vieques.

Let me paint a picture of what it is like to live on the island of Vieques. They are sandwiched in a small area in the middle of the island. Ammunition is stored on the western portion of the island. Live ammunition fire takes place on the eastern part. The cancer rate on Vieques is 26 percent above the rate for the rest of the people of Puerto Rico.

The people on Vieques live in horror. They never know when a pilot may miss his target and kill another citizen. It seems that the lives of the people of the island of Vieques are dispensable.

It is ironic that in 1990, when an uninhabited island in the Pacific was being used for military maneuvers, it was deemed unacceptable because it was close in proximity to Hawaii. It is interesting to note that the patriotism of those opposed to the bombing was never questioned.

Let me remind Members that more people from Puerto Rico died in the Korean and Vietnam War than most of the 50 States. If this were to take place anywhere else in this Nation, do Members think people would not protest?

The voices of the people of Vieques deserve to be heard just as loudly as those of every American. The language contained in this bill is shameful, mean-spirited. It is a slap in the face of our own people.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I rise as a strong and an unapologetic supporter of the mission of our Department of Defense, and even more, of the United States Navy. I have two of the Navy's most outstanding facilities in my district, the Naval Air Facility and the Naval Ordnance Facility at Indian Head. I support the United States Navy.

But Mr. Chairman, I also support the Commander in Chief of the Armed Forces of America. I support giving him the ability to resolve crises with the confidence that the Congress of the United States will support that resolution. If we do not do so, Mr. Chairman, he will lose that ability, whoever that President might be, if the other side in a crisis situation, in a conflict situation, in a situation difficult to resolve, believes that the President of the United States, the Commander in Chief of the Armed Forces of the United States, cannot be counted on to make a resolution which will stick.

Mr. Chairman, it showed a great deal of courage, I will say, for Governor Rossello to stand and say, this we will agree to, not because it is what we would choose, but because it is a way out of a difficult situation. It was a difficult and courageous task when the gentleman who represents Puerto Rico, the former Governor of Puerto Rico, stood and said, we need to resolve this issue.

Mr. Chairman, my friend, the gentlewoman from New York (Ms. VELAZQUEZ), who was born in Puerto Rico, who worked in Puerto Rico, who was handcuffed in Puerto Rico, for her to stand up for her principles, it was a courageous thing she did as well, and for the gentleman from New York (Mr. SERRANO).

Mr. Chairman, let us adopt the Skelton amendment and support the Commander in Chief under our Constitution of the Armed Forces of the United States. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

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

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to the Skelton amendment. Let me make five critical points.

First, our sailors and Marines have no substitute for live fire training on Vieques. There is no substitute on the East Coast, as there was on the West Coast, where now our sailors and Marines do their training on San Clemente. We need to resume this training today.

When the George Washington Battle Group and the Saipan Amphibious Ready Group deploy next month, over 10,000 of our young sailors' and Marines' lives will now be more at risk because they will not be fully combat ready.

Second, the people of Vieques do not bear a unique burden. There are 33 major United States live fire ranges in 14 States and two territories. On Vieques, the civilian population is 9 miles from the live impact area. At Fort Sill, Oklahoma, an incorporated area of 90,000 people, they are only 1.9 miles away from the live impact area.

□ 1600

Third, American taxpayers have already invested over $3 billion for the training infrastructure in the Puerto Rico Operating Area.

Fourth, the bill's provisions differ considerably from the Fowler-Hansen amendment we voted on in March. And I want my colleagues to listen carefully, the bill places limits on the resumption of live-fire training on Vieques, including restricting live fire to 90 days per year, requiring notification prior to exercises and restricting ship placements to minimize noise impacts. It would also establish a permanent civilian military committee to review Vieques training plans.

In addition, the bill would convey the western third of the island from the Navy to the people of Puerto Rico for use as a conservation area. And finally the proponents of the Skelton amendment would tell us that the referendum prescribed by the President is the best way to resume live-fire training.

They are waiving all manner of letters from the administration officials to that effect. I would respond that, notwithstanding the broader question of whether America should determine its military requirements by public referenda, that a survey of Vieques residents conducted by the Puerto Rican newspaper just this past February indicated that only 4 percent of those on Vieques support resuming live-fire training.

It is evident that under the Skelton amendment, we will never resume live-

fire training on Vieques. I urge defeat of the Skelton amendment, our young sailors and Marines' lives depend on it.

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word, and I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. Chairman, there is no Member of this body who understands our military more than the gentleman from Missouri (Mr. SKELTON). His expertise and commitment to our national security is unquestioned. So I urge Members to listen to and support him on this issue.

I have been to Vieques, and I have seen the devastating impact of the Navy's live bombing activities on the island. I was appalled by the Navy's indifference to the impact it has had on the island and its residents. The Navy's bombing has destroyed the island's once vibrant fishing economy, prohibited development of tourism.

The higher incidence of cancer and infant mortality rates suggest that the large quantities of explosives, including radioactivity of depleted uranium shells, have harmed the health of the island's residents.

After years of deplorable conduct by the Navy, including violating all agreements with the government of Puerto Rico, the majority would now seek to violate the latest agreement between our respective governments. If what was done in Vieques was done anywhere else in the country, the Navy's operations would have been shut down a long time ago.

Requiring the resumption of live bombing ignores the devastating impact of the Navy's activities on this group of Americans, and it is an indication of the second-class citizenship that some apparently assign to the residents of Vieques. Puerto Ricans have for a century donned the uniform of the United States, they have given their lives and their limbs in defense of this country in disproportionate numbers.

Mr. Chairman, I urge Members to support of the Skelton amendment and to support the American citizens who live on Vieques.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES), a member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in strong support of the amendment offered by my good friend, the gentleman from Missouri (Mr. SKELTON). I do not want to stand here today and rehash all of the problems that have occurred over this issue, the Island of Vieques. I would rather focus, and I ask this body to focus, on moving forward in a democratic and fair manner to implement the agreement which was reached between the President, the Secretary of Defense and the Governor of Puerto Rico.

The language in the bill undermines the agreement and guarantees that we will continue to fight over Vieques instead of using it to train. The agreement that was reached strikes the necessary balance between our military readiness, national security needs and the needs of the people of Vieques.

As Secretary of State Bill Cohen has said, the continued cooperation of the government of Puerto Rico is critical to achieving the resumption of the full range of training exercises at Vieques. If legislation which abrogates the agreement is adopted, the opportunity to achieve that goal will be set back, if not lost altogether.

Mr. Chairman, I urge all of my colleagues to stand behind this agreement and to support the amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Missouri (Mr. SKELTON). The language that was put in this bill really is just more punishment for the people of Vieques and a lot of disregard for the people of Puerto Rico.

Let me answer the question of my colleague from Colorado why we do not have a referendum in there in Fort Sill or Fort Carson, simply we have Senators, we have Members of Congress to debate those issues. Puerto Rico is a colony of the United States. They have no representation here, so it is proper to question the people after 60 years of harassment and pain.

The people in Vieques have paid a price for 60 years, and now the Navy and some folks on the other side tell us that we cannot find another place in the world, another place to hold these maneuvers. Then how come on many occasions during the past 60 years we rented out Vieques to foreign governments to come and do their practice there?

If Vieques was so essential to us, why did we have free time for other nations to come and harm the population, harm the economy, harm the coral reef and harm the people? It is time to do the right thing.

While many of us are not even speaking about the agreement, we might not agree with, to think that we would come now and add more harsh language is just unfair.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of the Skelton amendment in fairness for Puerto Rico in support of the amendment.

Mr. Chairman, I rise in support today of the amendment offered by my good friend, the Ranking Member of the Armed Services Committee, Mr. SKELTON.

This amendment will strike the underlying language in Title 15 and H.R. 4205 that prohibits the Navy from transferring land on Vieques, Puerto Rico, until live-fire training has resumed on the island's bombing range facility.

This amendment, instead, authorizes the conveyance of land at the western end of the island, with certain exceptions and in accordance with the President's negotiated agreement with the government of Puerto Rico.

The Vieques Agreement was accepted by all parties—including the Department of Defense, the U.S. Navy, the Government of Puerto Rico, the people of Vieques, and the White House. The underlying bill language is nothing short of Congressional meddling within the context of a long overdue solution to a local grievance.

Assuaging the fears of the naysayers, currently, the range is open to inert ordinance training on the eastern end of the island. The western end of the island is in excess to the needs of the Navy, as indicated by the Agreement. The Clinton administration reached this agreement to provide $40 million in immediate economic assistance to the island and requires a referendum on the island to decide whether the facility should remain. If the residents vote against the facility, the navy would have to leave the island by May 2003. If the referendum results in continued Navy use, the United States would provide the island with an additional $50 million and would have to limit live-fire training to 90 days a year.

I would like my colleagues to consider this important point: The initial agreement, in concert with the Navy's renewed commitment of improving military-civilian relations in Puerto Rico, is necessary because it will redress past wrongs and open the way toward a renewed mutual political relationship.

The Puerto Rican people are patriots in the highest order, having some of the highest enlistment rates of any location in the U.S. Yet despite this, because of their disenfranchised status, they have been at a distinct disadvantaged within the American political family. They are 3.6 million U.S. citizens who are represented ably by a single non-voting Resident Commissioner. This Constitutional injustice makes it extremely difficult to negotiate on par with the federal government. As a fellow citizen of another U.S. territory, I know this constitutional limitation only too well.

I urge my colleagues to support the Skelton amendment and restore the sanctity of the initial Presidential agreement with the people of Puerto Rico. It is the right and noble thing to do.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), a member of our committee.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Skelton amendment. This fervent patriot has been an ardent supporter of our military and the men and women who wear the uniform. I understand the strategic value and the importance of training. But I also understand that we train our military to preserve the democratic values that the Skelton amendment will allow for the citizens of Vieques. That is why this amendment is so important. That is why I associate myself with the remarks of my colleagues that have stood here.

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

Mr. Chairman, let me reiterate again the words of Marine Corps General James L. Jones, when he wrote ''Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential.''

Mr. Chairman, this wording in the bill is contrary to what is desired by the Secretary of the Navy. It is contrary to what is desired by the Secretary of Defense. It is contrary to what is desired by the administration. It is contrary to what is desired by the Governor of Puerto Rico. It is contrary to what is supported by the Resident Commissioner of Puerto Rico.

We should adopt this amendment and do what is right. It does not deal with remuneration. It does not deal with the referendum. It merely voids the gutting language and attaches the land transfer only.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been said today, and it needs saying again, people are talking about different things, the most important point that is being missed in all of this debate is the flaw contained in this agreement that does not permit live firing. I emphasize that word live firing. I wonder if my colleagues understand what that means.

I remember during World War II, just the other night there was a movie about it, up into the war, our submarines were firing torpedoes at the enemy, and they were not detonating. They were going out and firing torpedoes that were not detonating. Why? Because they were not allowed to have live firing of those weapons before for whatever reason. We not only lost lives, but it prevented us from taking advantage of the enemy because of this flaw.

Now, I want people to get on the right side of this thing. Are they for protecting our own troops, men and women, who are fighting for this country and by extension protecting this country or in pursuit of different goals?

Mr. Chairman, I yield 2 minutes to gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would first, by the way of opening, say that we need a little truth in advocacy. It is very easy to create a strawman in advocacy that we then get to knock down. So the allegations of those of us who oppose the Skelton amendment that making some form of allegation that those of whom only support inert and support the President are less patriotic was one of the allegations, that is false.

As a matter of fact, I have great pride and I believe every Member of Congress has great pride in the contribution of the citizens of Puerto Rico to freedom, and some of the Puerto Ricans that I served with in the United States Army, they were the sharpest dressed. They had the best looking shoes, the best looking brass, and I would stand side by side with them at any time, because I know they would be with me, or if they told me go left, I know that they would cover me. So stop creating this false advocacy that we have in here, let us have a little truth in advocacy.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Chairman, I appreciate the comments of the chairman of the full committee, the gentleman from South Carolina (Mr. SPENCE), when he said they have lost sight of what we are talking about.

Now, where else on the East Coast can we do this? Is there any other place that this can be done? And when you talk to these people that have been in the military, and I am past Navy myself, you get down to the idea there comes a time when you have to learn a few things, and one of those is the final test is live fire.

This is where the Marines hit the beach and people are shooting over the top of them. This is where ships are shooting. This is where bombs are dropped, and this is when they are saying we are ready to go in harm's way.

Now, why would we want to gamble with the lives of our young women and our young men and send them out without this opportunity? I cannot understand why anyone would want to gamble. I keep hearing this thing no one else would put up with this. Sure, a lot of us have been to Vieques. I have been there twice myself. Well, come on, do Members want to come out and see some other ranges? I will show them some that are beat up more than that one is by a long shut. One is called Dougway Proving Ground since back in the 1930s. It is bigger than three States back here. You do not dare walk across it, because something will go off and you will kill yourself.

The people of Utah feel okay about that, the people of Nevada feel okay about that, the people of California, Colorado, and those areas, they are able to put up with it. Why can we not here?

Mr. Chairman, the thing that keeps bothering me is why, oh, why did the President of the United States get involved in this action? Why is this one important? All we are asking is we continue what we were doing since 1940, that we continue to train our guys and gals when they go out to fight that they will be prepared. What is wrong with that? That makes a lot of sense to me.

Knowing that a lot of these people, especially those who were the trespassers, believe in total independence, maybe that is what they should have is total independence. When it comes down to it, they have to carry their share just like everybody else.

And I would just like to thank the chairman for his leadership on this and the great comments that he has made. Please vote no on the Skelton amendment and let us train our troops and let us keep them safe.

Mr. BEREUTER. Mr. Chairman, the amendment offered by the gentleman from Missouri, Mr. SKELTON, would replace Title XV which restores full integrated training on Vieques with the agreement between the Clinton administration and the Governor of Puerto Rico.

The United States Navy has been using the range on Vieques since prior to World War II. Our Forces are much more capable because we conduct live fire training in as nearly real world environment as possible. Our Navy used to be able to train at Bloodsworth Island in the Chesapeake Bay and Culebra (very near Vieques) in Puerto Rico. These ranges have been lost to the Navy's use, leaving Vieques the only remaining live fire training range on the East Coast. Live fire training is the only way we can ensure our forces are capable of meeting the challenges to our freedoms they face every day. During February of this year this Member visited with Navy and Air Force units in the Mediterranean area and they explained the loss of what they considered to be coordinated live fire exercises at Vieques before they are deployed in rotations to the Mediterranean.

The Clinton Administration agreement allows the United States Navy to continue to use the range, on a reduced basis of 90 days per year, and then only with inert ordnance. The agreement also calls for a referendum of the citizens of Vieques to express their views on the future use of Vieques. The options will be to continue the limited use of Vieques, or cease all such training on the island. With the decision by the Clinton Administration, the outcome has already effectively been determined, and that as a result, the United States forces will not deploy with 100 percent of the combat qualifications needed to meet national security requirements. We will be asking our forces to defend us without a vital element of the necessary training to do so.

The amendment would allow certain parts of Western Vieques, namely the Naval Ammunition Support Detachment, to be transferred to the Commonwealth of Puerto Rico, without consideration, to benefit the Municipality of Vieques. The amendment would also promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment. The return of Culebra to the people of Puerto Rico in a similar fashion has been an abject failure. It was supposed to be returned to the local fishermen and island people, instead, it has been gobbled up by big developers who have built homes most Puerto Ricans can not afford. It is more than likely that the same will happen at Vieques if the amendment is accepted. Passage of this amendment would be a loss not only for our Navy but also for the people of Puerto Rico and Vieques in particular who would no longer be able to afford to live there. H.R. 4205 as reported would convey the property only to a conservation zone.

Mr. Chairman, this Member strongly urges opposition to the Skelton amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I support the amendment offered by the gentleman from Missouri, Mr. SKELTON, the Ranking Member of the House Armed Services Committee. This amendment, would

authorize the conveyance of over 8,000 acres of the land at the western end of the island of Vieques for conservation and economic development to improve the lives of Vieques residents.

Vieques is a small island of Puerto Rico comprising approximately 52 square miles, two thirds of which is controlled by the US Navy. The Naval Ammunition Facility covers the western end of the island and the Inner Range of the Atlantic Fleet Weapons Training Facility controls the eastern side. Sandwiched between the two facilities, over 9,300 American citizens have resided for twenty five years in extremely close proximity to frequent military live-fire weapons testing.

From the beginning, relationships between the US Navy and the residents of Vieques and Puerto Rico have been strained. Numerous times the Navy has made promises to assist with local economic development, work to improve the welfare of the people of Vieques, assure the protection of the environment, and utilize the absolute minimum necessary of explosive ordnance. By all accounts the Navy has not lived up to its commitment.

The Navy has made it clear that they do not need the western side of Vieques and support transferring it to the people of Puerto Rico who in turn can use it to protect the environment and benefit the expansion of their economy. As is the case with all US insular areas, isolation and limited resources are stumbling blocks to economic development. Freeing up land, which is key to economic development, is one of the best gestures we can offer to Vieques.

It is hard to fathom that if Puerto Rico had full voting representation in Congress we would be debating this issue today. The current language in this legislation is a bribe and a slap in the face to the residents of Vieques. It forces them to continue putting their families at risk in order to receive a small portion of land from which they might be able to better their lives. It is an offering that we would not demand of any other community in the US.

Mr. Chairman, clearly we all understand the need for a strong military. Communities which give up so much to ensure readiness should be commended and not threatened or bullied into submission. I encourage all my colleagues to support the Skelton amendment.

Mr. BURTON of Indiana. Mr. Chairman, after months of negotiations, an agreement was finally reached between the President of the United States and the Governor of Puerto Rico, with the full endorsement of the Department of Defense and Department of the Navy, which provides the best opportunity to resume essential live-fire training in Vieques. I, too, had concerns about the provisions expressed in the agreement and the precedent it could set. Yet, the unfortunate situation in Vieques is complicated by the fact that we are dealing with a territory that is neither a state nor an independent country, and that, as such, lacks the congressional representation that every State in the Union currently enjoys.

I support Congressman Skelton's amendment to the FY 2001 National Defense Authorization Act (H.R. 4205) after being assured by the Secretary of the Navy and the Secretary of Defense, in a memorandum sent by the Deputy Chief of Legislative Affairs, that the Navy "strongly supports Representative Skelton's proposed amendment as a substitute for the Vieques provisions of the bill." The Navy has already resumed inert bombing in Vieques; a vote for this amendment is a vote in support of the agreement between the U.S. Navy and the Administration.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Skelton amendment, reinstating a critical element of the Directives issued by President Clinton regarding the Navy's presence in Vieques, Puerto Rico.

We are harming our national security by modifying the carefully crafted agreement between President Clinton and Puerto Rico's Governor to resolve the impasse over United States armed forces training in Vieques.

The President made a promise to millions of Puerto Ricans—both here on the mainland and in Puerto Rico—which calls for a referendum by the voters of Vieques to determine the future of Navy training on the island.

The people of Vieques will have a referendum regardless of the actions taken in Congress.

But this is a commitment of the President of the United States of America, our commander in chief, to a group of U.S. citizens.

The House Armed Services Committee included language disrupting President Clinton's and Governor Rossello's agreement.

By interfering and not honoring the Presidential directives as issued, this Congress is not helping the Navy to build a relationship with the people of Vieques, nor are they helping to keep Navy operations in Vieques beyond 2003.

We are simply not helping the Navy at all.

Let us stand in support of the agreement reached by the President, the Secretary of Defense, the Secretary of the Navy and the Governor of Puerto Rico—which illustrates the most effective way to protect our national security—and at the same time responds to the legitimate concerns of the American citizens in Vieques, Puerto Rico.

□ 1615

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair announces that proceedings will now resume on the three amendments postponed from earlier today immediately following this vote, and that the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 202]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
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)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wicker
Wise
Woolsey
Wu
Wynn
Young (AK)

NOES—201

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
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
Kingston
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Young (FL)

NOT VOTING—15

Campbell
Ford
Franks (NJ)
Hastings (FL)
Lewis (GA)
Lipinski
Pickett
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento

□ 1637

Messrs. HORN, BRADY of Texas, ARMEY, SCARBOROUGH, CRANE, ROHRABACHER, and GARY MILLER of California changed their vote from ''aye'' to ''no.''

Messrs. HALL of Ohio, DOGGETT, RYAN of Wisconsin, and YOUNG of Alaska changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 18, as follows:

[Roll No. 203]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Campbell
Ford
Franks (NJ)
Hastings (FL)
Jefferson
Kaptur
Lewis (GA)
Lipinski
Ney
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Turner
Udall (NM)
Vento

□ 1644

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 204]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Camp
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clement
Coble
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley
Doyle
Duncan

Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Frank (MA)
Gejdenson
Gephardt
Goode
Gordon
Green (TX)
Gutknecht
Hall (OH)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Rivers
Roemer
Rothman
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Stabenow
Stark
Strickland
Talent
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—214

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chambliss
Chenoweth-Hage
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Everett
Ewing
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Meek (FL)
Mica
Millender-McDonald
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Saxton
Sessions
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Campbell
Ford
Franks (NJ)
Gutierrez
Hastings (FL)
Lewis (GA)
Lipinski
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Wilson

□ 1653

Mr. TANCREDO changed his vote from ''aye'' to ''no.''

Mr. MATSUI changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Chairman, I was unavoidably detained at the White House and I missed rollcall votes numbered 202, 203 and 204. Had I been present, I would have voted yes on rollcall vote number 202, I would have voted yes on rollcall vote number 203, and I would have voted no on rollcall vote number 204.

AMENDMENT NO. 3 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 334, noes 85, not voting 15, as follows:

[Roll No. 205]

AYES—334

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)

Weldon (FL)	Wicker	Wynn
Weldon (PA)	Wise	Young (AK)
Weller	Wolf	Young (FL)
Weygand	Woolsey	
Whitfield	Wu	

NOES—85

Ackerman	Gejdenson	Miller, George
Allen	Gephardt	Minge
Baldwin	Gonzalez	Mollohan
Bateman	Hall (OH)	Moran (VA)
Becerra	Hastings (FL)	Murtha
Berman	Hill (IN)	Nadler
Berry	Holt	Oberstar
Blumenauer	Inslee	Obey
Borski	Jackson (IL)	Olver
Brady (PA)	Jackson-Lee (TX)	Owens
Brown (OH)	Johnson, E. B.	Pastor
Clay	Jones (OH)	Payne
Conyers	Kilpatrick	Pelosi
Coyne	Kleczka	Pomeroy
Crowley	LaFalce	Price (NC)
Davis (IL)	Lampson	Rush
Delahunt	Lantos	Sabo
DeLauro	Larson	Sawyer
Deutsch	Lofgren	Schakowsky
Dicks	Lowey	Serrano
Dixon	Maloney (CT)	Smith (WA)
Dooley	Matsui	Snyder
Edwards	McDermott	Tauscher
Engel	McGovern	Thurman
Eshoo	Meehan	Visclosky
Etheridge	Meeks (NY)	Watt (NC)
Farr	Millender-McDonald	Waxman
Filner		Weiner
Frank (MA)		Wexler

NOT VOTING—15

Campbell	Morella	Stupak
Ford	Quinn	Towns
Franks (NJ)	Rangel	Udall (NM)
Lewis (GA)	Salmon	Vento
Lipinski	Shadegg	Wilson

□ 1703

Messrs. DOOLEY of California, MEEHAN, HASTINGS of Florida and OLVER and Mrs. TAUSCHER changed their vote from ''aye'' to ''no.''

Messrs. BARRETT of Wisconsin, BAIRD and ROTHMAN and Mrs. CLAYTON changed their 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. LAHOOD). It is now in order to consider Amendment No. 5 printed in House Report 106–624.

AMENDMENT NO. 5 OFFERED BY MR. WHITFIELD

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WHITFIELD:

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional review this year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 10 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I ask unanimous consent to modify the amendment just offered. This modification has been approved by the minority.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WHITFIELD:

The amendment as modified is as follows:

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ___. SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity

and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional action this year.

Mr. WHITFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

Mr. SKELTON. Mr. Chairman, reserving the right to object, I will not object. I would just merely ask for a clarification of the correction that was made thereon.

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

Mr. SKELTON. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, the modification, and I will give the gentleman a copy, which I should have done earlier, changes one word. In the original amendment that was at the desk, on the last page, paragraph 9, line 19, which is the last time we used word ''action,'' that it is appropriate for Congressional action this year, that is what the amendment shows. The original word was ''review.''

The gentleman who had asked for the term ''review'' to be in the original amendment was the gentleman from Pennsylvania (Mr. GOODLING), and this came about after our negotiations with the gentleman from Pennsylvania.

Mr. SKELTON. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to, and the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 10 minutes.

There was no objection.

Mr. WHITFIELD. Mr. Chairman, I yield myself 2 minutes in support of the amendment.

Mr. Chairman, I welcome the opportunity today to speak in support of this bipartisan amendment to the FY 2001 Department of Defense authorization bill on behalf of workers throughout the Department of Energy complex. I want to thank the gentleman from South Carolina (Chairman SPENCE) and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their help to ensure that this amendment would be considered.

Last week, the gentleman from Ohio (Mr. STRICKLAND) and I, along with several others, introduced H.R. 4398. Our bill would establish a comprehensive Federal compensation program for Department of Energy contract and vender employees who have contracted illnesses from exposure to beryllium, radiation, silica and other hazardous materials. The legislation is patterned after the Federal Employees Compensation Act, which provides compensation to Federal employees and/or their survivors.

I represent the workers at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. We have a chart down there that shows there are 200 other DOE facilities around the country in 37 states. For nearly a year, the plant at Paducah has been the focus of extensive national and local press reports about workers who were exposed to radiation and other hazardous substances without their knowledge. The same thing occurred in these 200 other facilities around the country.

The employees at these plants are Cold War veterans who manufactured and tested weapons systems that kept this Nation safe. They may not have worn military uniforms and they may not have been shot at by the enemy, but the increased incidences of illnesses and deaths that they are experiencing are every bit as dangerous. In my judgment, these workers did their duty, and they deserve to be compensated in a fair and timely manner by the government that put them in danger.

This amendment is simply a sense of Congress resolution which states that Congress should move forward on a comprehensive program to compensate these workers. I would urge support of the amendment.

Mr. STRICKLAND. Mr. Chairman, in view of the fact that no Member has risen in opposition to the amendment, I ask unanimous consent to claim the time in opposition, even though I support the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. STRICKLAND) is recognized for 10 minutes.

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

Mr. Chairman, I strongly support this sense of the Congress resolution and urge my colleagues to do the same.

This past Monday, Senator DEWINE held a hearing in Columbus, Ohio, on the need for a Federal compensation program for our Cold War veterans who were exposed to radiation, beryllium, and other heavy metals and toxic substances while working for the Department of Energy and its contractors.

At that hearing, we were told of Governor Taft's support ''for a federal program to compensate the workers at Federal nuclear sites.'' The state of Ohio made it clear that it would not see a federal workers' compensation program for DOE employees as an incursion on States' rights.

It was pointed out that many individuals worked at numerous sites under multiple employers across the complex. This creates jurisdictional questions and calls for separate State workers' compensation systems to pay the injured workers. In other words, the unique circumstances faced by these DOE workers warrant Federal intervention.

We also heard that altered, falsified or missing medical records deny us adequate scientific evidence on which to base a compensation program. At some sites, correction factors were invented and some workers were given a negative radiation dose. Mr. Chairman, a negative radiation dose does not exist in nature.

At last year's hearing of the Committee on Commerce Subcommittee on Oversight and Investigations, we learned that contractors made conscious decisions not to test certain workers. We must not establish a program that makes it impossible for workers to receive compensation. We must not deny workers' compensation simply because we lack certain medical documentation or because records were destroyed. If there is any doubt, the benefit of the doubt must go to the workers who were put in harm's way. We must pass and fund comprehensive workers' compensation legislation this year.

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

□ 1715

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman from Kentucky (Mr. WHITFIELD) for yielding me this time.

Mr. Chairman, as the representative for the Oak Ridge operations of the Department of Energy, I rise in support of this resolution, a sense of the Congress resolution, but also in support of further action that is going to be required in order to bring some benefits to the House's acknowledgment that there has been a disaffect from certain workers who were exposed through our nuclear buildup to radiation and beryllium and other sources that have caused these health problems.

The Department of Energy has now recognized that these problems exist and need to be addressed. The Congress needs to come along. We need to move quickly with the hearings and move quickly with the legislation.

There are four committees of jurisdiction. This is a problem that we need to unify on quickly and move forward.

We need these committees to come together. I came to the floor today to appeal to all the committees of jurisdiction to try to waive as much of their jurisdiction as possible so we can get legislation through this year to get benefits.

We have to be careful that we do not create such a broad benefits package, but we have to get help to these workers.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I rise, of course, in support of this resolution. I just want to point out to my colleagues that this is one of the most bipartisan pieces of legislation that we have been working on for several years. I initially got involved in this because of the berylliosis problem at the Department of Energy plant in my district. I have since discovered, in working with various Members of Congress, that they have similar problems from beryllium, radiation, and other hazardous exposures that occurred in Department of Energy and Department of Defense installations in this country.

For more than 50 years now, people have been dying and suffering from horrible injuries without compensation. The opportunity we have today is to take advantage of at least four pieces of well thought out and previously introduced legislation, to have the committees of jurisdiction come together and take these pieces of legislation, hold hearings, and construct a bill that this Congress can pass, probably with unanimous consent, in the next several months.

Fifty years is too long to wait to assist these workers dying from horrible diseases when we know they have only suffered as a result of their exposure as Cold War warriors. To deny compensation any further is foolish because the Department of Defense and the medical establishment of this country have established, without question, that these diseases are directly related to their employment and that exposure. If we can enact other legislation in several weeks, this Congress, in a bipartisan way in the next month, should come together and pass a compensation bill to compensate the Cold War warriors of this country.

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Chairman, as we all learned in basic first aid, some wounds heal faster than others. The wounds of war, of course, can be the worst of all to heal.

As a representative of the Nevada Test Site, I rise in strong support of this amendment. Today, the bipartisan sponsors of this amendment and I are calling for long overdue first aid to protect and help our constituents: Those forgotten, wounded, citizen veterans of the Cold War. Their injuries and their wounds, for which no Purple Heart can ever be awarded, were received in Cold War battles waged in our laboratories and weapons plants all across America.

The culmination of these atomic laborers lit the skies and ripped the grounds in the deserts of the Nevada Test Site. They left poisoned workers in their wake, poisoned with radiation from the test and with silica from the dangerous underground tunneling the test required.

This amendment calls for action to address these wounds and to regain the trust and faith of these ill Cold War workers, and I call on all my colleagues to support this amendment.

Mr. STRICKLAND. Mr. Chairman, 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. Chairman, I am proud to stand here today with my colleagues on both sides of the aisle in support of this important resolution. I want the listeners to know that I represent the Rocky Flats facility, which was a key part of the nuclear weapons complex in the great State of Colorado.

We need to pass this resolution today and, as so many of my colleagues have called for, we need to put a bill together. In my opinion, we could do it by July 4. That would be fitting because these Americans were warriors in the Cold War, and they were no less deserving of support for the illnesses and injuries that occurred to them than those members of our society who were in the hot war that we fought in the Second World War.

So let us get this done for these Americans. I am proud to stand here with my colleagues.

Mr. WHITFIELD. Mr. Chairman, I yield 5½ minutes to the gentleman South Carolina (Mr. GRAHAM), for the purpose of a colloquy.

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

Mr. GRAHAM. Mr. Chairman, I rise today in support of the Whitfield amendment and enter into a colloquy with the gentleman from Tennessee (Mr. HILLEARY), the gentleman from California (Mr. HUNTER), the gentleman from Virginia (Mr. SISISKY), the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) about the need for comprehensive legislation to address worker exposures at Department of Energy facilities during the Cold War.

Mr. Chairman, I along with the gentleman from South Carolina (Mr. SPENCE) represent a large number of Cold War veterans at the Savannah River Site in South Carolina who helped this great Nation win the Cold War through their dedication and hard work. We have heard the last several speakers talk about DOE workers across the Nation who were exposed to levels of radiation greater than they should have been, and other DOE workers who were exposed to other substances, including beryllium, which have had an adverse effect on their health.

I think that all Members will agree that if through the course of producing nuclear weapons for this great Nation, Department of Energy or Department of Energy contract employees were caused physical harm, we owe it to them to seek a remedy for their lost wages and medical treatment.

Mr. Chairman, I know that as of late there has been a concerted effort on the part of the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the Department of Energy and others to come up with a plan to offer these workers compensation.

I believe the smart and responsible thing for us to do is to take a look at this situation and make sure we do the right thing for the workers.

Mr. Chairman, I have a letter from the gentleman from Texas (Chairman SMITH) of the Committee on the Judiciary's Subcommittee on Immigration and Claims in which he states, ''I hope to work with you and other Members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold hearings on this subject in the coming months.''

I appreciate the willingness of the gentleman from Texas (Mr. SMITH) to hold a hearing on this issue.

Mr. Chairman, I believe that the gentleman from Tennessee (Mr. HILLEARY) has a similar letter from the chairman of the Committee on Education and the Workforce.

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

Mr. GRAHAM. I yield to the gentleman from Tennessee.

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

Mr. HILLEARY. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding, and I rise in strong support of the Whitfield amendment.

Mr. Chairman, I want to make sure we do the right thing for these workers. Many Tennesseans, in my opinion, are Cold War heroes and they deserve to be compensated if, through the course of their work, their health was adversely affected by exposure to radiation or other harmful effects.

I do have a letter from the gentleman from Pennsylvania (Mr. GOODLING) addressed to myself and the gentleman from South Carolina (Mr. GRAHAM) in which he too commits to hold a hearing this year on this important matter.

In this letter, the gentleman from Pennsylvania (Mr. GOODLING) states, and I quote, ''I will work with you and

the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE-contract employees where concrete documentation proves they were adversely affected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.''

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his willingness to work on this matter, and as a member of the Committee on Armed Services and the Committee on Education and the Workforce, I look forward to participating and finding a real solution that benefits these injured workers and also look forward to assisting the gentleman from Tennessee (Mr. WAMP), who represents Oak Ridge, and other Congressmen from the surrounding area around Oak Ridge in their efforts to help these workers.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

Hon. LINDSEY GRAHAM.

Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely effected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. GRAHAM. Mr. Chairman, I would ask the gentleman from California (Mr. HUNTER) and the gentleman from Virginia (Mr. SISISKY) if they will agree to assist us in holding a hearing on this matter this year and make serious efforts to pass comprehensive workers compensation legislation?

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

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

Mr. HUNTER. Mr. Chairman, I agree to work with this gentleman and with all the Members who have shown so much concern for these folks who are Cold War warriors and veterans in practically every sense of the term. I think we realize three things on the committee. One is that we do have a duty to take care of our Cold War veterans, including people who experienced exposure in trying to develop the strategic systems of this country that even today keep this country safe.

Number two, science has shown that there has been exposure, fairly major exposure, to a lot of our workers.

Number three, the fact that we do have a responsibility to take actions and perhaps to abandon this position that we have taken, which has been a presumption against the worker in the past.

So let me just thank all of my friends who have worked on this, and I support totally the Whitfield amendment and I want to let everybody know that we will be holding hearings. We will be working in cooperation with the gentleman, and we did put a couple of million dollars in the bill already to direct DOE to start to construct a program. So let us all work together and put this thing together and we will work with the gentleman.

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

Mr. GRAHAM. I yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I appreciate the work of Members of both sides of the aisle on this issue and look forward to working with the gentleman from California (Mr. HUNTER) in doing what is right for these workers, and I support this amendment and urge the House to accept it.

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

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

Mr. SKELTON. Mr. Chairman, I appreciate the effort of all the Members involved in this issue and thank them for bringing it to the attention of the House. We need to do the right thing for these people who through the course of providing for the defense of our Nation received injury due to exposure to hazardous materials.

I support the amendment and I certainly encourage its adoption.

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

Mr. GRAHAM. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I also want to acknowledge the hard work of the gentleman from Kentucky (Mr. WHITFIELD) and others who have brought this resolution forth, and I agree to work with them and with the gentleman from California (Mr. HUNTER) in the days ahead. I support the amendment and urge its adoption.

Mr. GRAHAM. Mr. Chairman, I include the following for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 15, 2000.

Hon. LINDSEY O. GRAHAM,
House of Representatives,
Washington, DC.

DEAR LINDSEY: I appreciate your interest in resolving the issue of compensating Department of Energy (DOE) workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapons production facilities during the Cold War.

It is my understanding that Congressman Whitfield, Congressman Wamp, Congressman Kanjorski, Congressman Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Subcommittee on Immigration and Claims for consideration.

I hope to work with you and other members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold a hearing on this subject in the coming months.

Thank you for bringing this issue to my attention.

Sincerely,

LAMAR SMITH,
Chairman, Subcommittee on Immigration and Claims.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

Hon. LINDSEY GRAHAM,
Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely effected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Whitfield-Strickland-Udall-Gibbons-Kanjorski sense of Congress resolution in the form of an amendment to cover workers from the Department of Energy and its contractors and vendors.

I would just say to my colleagues that as this legislation moves forward, there is one important category that is not covered and that is those workers, like those at Brush Wellman in Elmore, Ohio, who worked for the Department of Defense as contractors, vendors, subcontractors. I stand today in memory of Gaylen Lemke, a gentleman who died of chronic beryllium illness last year who first came to see me in 1994. It was an absolutely cruel illness. He was as much a veteran of this country as anyone who ever flew

an airplane or served on a submarine. I would just hope that as these hearings are held that true compensation could be found for these individuals and their families who have suffered so greatly, actually through no one's fault but through our lack of knowledge about how these metals actually react with the human body.

When one's lungs turn to crystalline over a period of 10 to 15 years, it is among the cruelest of ways to die.

I just want to thank the Members of the Committee on Armed Services here today, my good friend, the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Virginia (Mr. SISISKY), for looking really seriously at this. I would say in my region of Ohio we have upwards of 200 people who have died or will die of this illness. Please do not forget those who have worked on contract to the Department of Defense, especially providing the material that was processed for the interiors of our missiles and our guided missile systems.

Mr. STRICKLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman from Ohio (Mr. STRICKLAND) for his help and his leadership on this issue and also the gentleman from Kentucky (Mr. WHITFIELD). It has been a pleasure to work with them on this.

I really want to say that we are seeing the best of Congress here; Republicans in the House and Democrats in the House and the administration coming together to do what is correct.

□ 1730

We need to help people like Clara Harding and Al Matusick. Clara's husband Joe worked for 18 and a half years at the Paducah Gaseous Diffusion Plant in Kentucky which the gentleman from Kentucky (Mr. WHITFIELD) now represents. He worked without any radiation protection in air that was thick with uranium dust and plutonium, neptunium, and possibly ruthenium.

Mr. Harding died in 1980 at the age of 58. Two years ago, Mrs. Harding received only $12,000 in compensation. It is inexcusable. When we stop and think about the problems health-wise that these workers have experienced, it is unbelievable.

My friend, the gentleman from Pennsylvania (Mr. KANJORSKI) and his staff, just doing good casework, they worked with Al Matusick and discovered through him that there were this whole group of Cold War warriors who were suffering. That really began this ball rolling.

I want to thank the gentleman from Nanticoke, Pennsylvania (Mr. KANJORSKI) for having the foresight and compassion to introduce H.R. 675. I am proud to be a cosponsor of his bill, and want to continue to work with him on H.R. 3418, and work with the gentleman from Kentucky (Mr. WHITFIELD), and thank him for introducing H.R. 4398.

I want to thank Secretary Richardson for agreeing that the administration would work with us to see that the right thing is done on this issue. I think everybody is working together, and I am so happy to hear the dialogue on the floor today that we are going to have hearings and that something is going to be done. Fifty years is so long for people to wait.

We have heard about some of the things in the hearings we have held in the Committee on Commerce, and in fact that people were put at risk. They knew there was a danger there. These workers, many have died. Their families and workers need to be compensated. This Congress can act. It is the right, the correct, the ethical, and the moral thing to do.

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

In conclusion, I would like to say a couple of personal words.

Mr. Chairman, I want to thank my good and dear friend, the gentleman from Kentucky (Mr. WHITFIELD), for the work we have been able to do together.

I want to thank the gentleman from South Carolina (Chairman SPENCE), the gentleman from Virginia (Mr. SISISKY), the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON).

This is the right thing to do. This is one of the joys that I have experienced in this House, working together on this particular issue. I just have a heart full of thanks for these Members.

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

Mr. Chairman, I also want to thank everyone. We cannot solve this problem without the efforts of everyone.

If someone worked in a DOE facility during the Cold War and he is a Federal employee, he is covered under the Federal Employee Compensation Act. If he worked as an agent of a contractor and was exposed to one of these diseases, he did not have any coverage. We need to correct that problem. This is the first step.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong support of this amendment. Congress must act as soon as possible to provide compensation and health care for the forgotten soldiers of the Cold War—those who constructed America's nuclear weapons.

More than 50 years ago, hundreds of Manhattan Project staff inhaled tiny particles of beryllium while helping develop the atomic bomb at a University of Chicago lab. That lab later became Argonne National Laboratory, a national energy laboratory operated for the Department of Energy by the University of Chicago, and located in the district I represent.

The Department of Energy estimates that as many as 2,300 people in Illinois were exposed to beryllium during the two decades ending in 1963 when the toxic metal was used in the atomic program at Argonne. Inhalation of beryllium dust causes Chronic Beryllium Disease (CBD)—a chronic, often disabling and sometimes fatal lung condition. It also causes beryllium sensitization, wherein a worker's immune system becomes allergic to the presence of beryllium in the body.

People who work at Argonne and other national labs are technically employed by the contractors hired to run the labs, so they don't qualify for federal employee health benefits. Meanwhile, state workers compensation laws often fail to provide benefits for occupational illnesses, which—in the case of nuclear weapons workers—can develop years after exposure to beryllium, radiation, or hazardous chemicals and long after a worker's eligibility for compensation has lapsed. Beryllium dust, for example, can cause Chronic Beryllium Disease up to forty years after exposure.

Mr. Chairman, compensating these workers for the suffering endured in service to our country is the right thing to do. This issue deserves our attention, which is why I urge my colleagues to support this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am pleased to give my strong support for this amendment. It represents an overall bipartisan effort that I believe must move forward in order to provide fair and just compensation for those who worked long and hard to win the Cold War: the Atomic Veterans. Many of these Atomic Veterans are ill or dying from diseases due to their exposures to hazardous materials at Department of Energy facilities.

New Mexico has a long and valued tradition of service to our Nation. New Mexico's workers at Los Alamos National Laboratory, the birthplace of the atomic bomb, have suffered from illness due to their exposures to radiation, beryllium, and other hazardous materials used in the production of nuclear weapons. It is right that we compensate the Atomic Veterans from all over this great nation who have sacrificed so courageously for their country. We spend billions of dollars on cleanup of nuclear waste sites; we now take responsibility for the human cost of the Cold War.

Congress must act, first to support this amendment, and then to pass legislation that is just and fair. When I introduced legislation to compensate Atomic Veterans from Los Alamos National Laboratory, I urged my colleagues from around the country, Democrats and Republicans, who also have victims in their districts, to work together to craft a solution to this problem at the national level. This amendment is a step in that direction.

Compensation is important because these workers are true patriots. They loved their country, they worked for their country, and now we need to do what is right and compensate them fairly for their illnesses.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106–624.

AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. 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. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) FUTURE REPEAL OF LIMITATION ON NUMBER OF SITES.—Effective January 1, 2001, paragraph (2) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended to read as follows:

''(2) LOCATION OF SITES; FACILITIES.—Subject to annual appropriations, the program shall be conducted in any site that provides a full range of comprehensive health care and that is designated jointly by the administering Secretaries. The program shall be conducted nationwide by January 1, 2006.''.

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended in paragraph (1)(A) by inserting '', which may be modified if necessary'' before the closing parenthesis.

(c) MAKING PROJECT PERMANENT; CHANGES IN PROJECT REFERENCES.—

(1) ELIMINATION OF TIME LIMITATION.—Paragraph (4) of section 1896(b) of such Act is repealed.

(2) TREATMENT OF CAPS.—Subsection (i)(4) of section 1896 of such Act is amended by adding at the end the following:

''This paragraph shall not apply after calendar year 2001.''.

(3) CONFORMING CHANGES OF REFERENCES TO DEMONSTRATION PROJECT.—Section 1896 of such Act is further amended—

(A) in the heading, by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

(B) by amending subsection (a)(2) to read as follows:

''(2) PROGRAM.—The term 'program' means the program carried out under this section.'';

(C) in the heading to subsection (b), by striking ''DEMONSTRATION PROJECT'' and inserting ''PROGRAM'';

(D) by striking ''demonstration project'' or ''project'' each place either appears and inserting ''program'';

(E) in subsection (k)(2)—

(i) by striking ''EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT'' and inserting ''PROGRAM''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) whether there is a cost to the health care program under this title in conducting the program under this section; and

''(B) whether the terms and conditions of the program should be modified.''.

(4) REPORTS.—Subsection (k)(1) of such section 1896 is amended in the second sentence—

(A) by striking ''the demonstration project'' and inserting ''the program'';

(B) by striking '', and the'' and all that follows through ''date'';

(C) by redesignating subparagraph (O) as subparagraph (S); and

(D) by inserting after subparagraph (N) the following new subparagraphs:

''(O) Patient satisfaction with the program.

''(P) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

''(Q) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

''(R) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the program.''.

(5) ADDITIONAL CONFORMING AMENDMENTS.—Section 1896(b) of such Act is further amended—

(A) by redesignating paragraph (5) as paragraph (4); and

(B) in such paragraph, by striking ''At least 60 days'' and all that follows through ''agreement'' and inserting ''The administering Secretaries shall also submit on an annual basis the most current agreement''.

(6) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

''(5) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'medicare-eligible military retiree or dependent' (as defined in subsection (a)).''.

(d) PAYMENTS.—

(1) PERMITTING PAYMENTS ON A FEE-FOR-SERVICE BASIS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

''(l) PAYMENT ON A FEE-FOR-SERVICE BASIS.—Instead of the payment method described in subsection (i)(1) and in the case of individuals who are not enrolled in the program in the manner described in subsection (d)(1), the Secretary may reimburse the Secretary of Defense for services provided under the program at a rate that does not exceed the rate of payment that would otherwise be made under this title for such services if sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a), did not apply.''.

(2) PAYMENTS TO MILITARY TREATMENT FACILITIES.—Such section is further amended by adding at the end the following new subsection:

''(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.''.

(3) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsections (b)(1)(B)(v) and (b)(1)(B)(viii)(I), by inserting ''or subsection (l)'' after ''subsection (i)'';

(B) in subsection (b)(2), by adding at the end the following: ''If feasible, at least one of the sites shall be conducted using the fee-for-service reimbursement method described in subsection (l).'';

(C) in subsection (d)(1)(A), by inserting ''(insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i))'' before ''shall meet'';

(D) in subsection (d)(1)(A), by inserting ''and the program (insofar as it provides for payment for facility services on the basis described in subsection (l)) shall meet all requirements for such facilities under this title'' after ''medicare payments'';

(E) in subsection (d)(2), by inserting '', insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),'' before ''shall comply'';

(F) in subsection (g)(1), by inserting '', insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),'' before ''the Secretary of Defense'';

(G) in subsection (i)(1), by inserting ''and subsection (l)'' after ''of this subsection''; and

(H) in subsection (j)(2)(B)(ii), by inserting ''or subsection (l)'' after ''subsection (i)(1)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2001, and apply to services furnished on or after such date.

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

''(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the program has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (as defined for purposes of chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the program by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.''.

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

''(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), effective January 1, 2001, the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the program (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

''(2) In applying paragraph (1)—

''(A) in the case of enrollments occurring before January 1, 2001, any reference in clause (v)(III) or (vi) of section 1882(s)(3)(B) of such Act to 'within the first 12 months of such enrollment' or 'by not later than 12 months after the effective date of such enrollment' is deemed a reference to during calendar year 2001; and

''(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.''.

(g) 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.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

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

Mr. Chairman, for the past half of a century people wearing the uniform of the United States of America in federally-owned buildings have been telling young 18-, 17-, 19-, and 20-year-old enlistees that if they served their country honorably for 20 years, that upon retirement they would receive free health care for them and their spouse in a military facility for the rest of their lives.

By and large, our Nation did a pretty good job of honoring that promise until

about a decade ago. Then, with the demise of the Soviet Union, the subsequent drawdown, the subsequent reductions in the defense budget, the military health care system started telling these military retirees when they hit 65, we are sorry, we cannot see you anymore. Go see a doctor out in Medicare.

They justifiably feel betrayed, and betrayed is the proper word. They were made a promise. They kept their end of the promise, and their Nation let them down.

Today I am going to ask my colleagues, Democrats and Republicans, to honor that promise. After all, great nations keep their word. I am asking us to take a major step that would allow these military retirees to continue to go to the base hospital, and upon reaching their 65th birthday, Medicare would reimburse that base hospital. It would make this program nationwide, available at every military medical facility, and it would make this program permanent.

Why is this program important? Today in America, people will be retiring from the Armed Forces. When they retire and choose their retirement home, in many instances they do so near a military facility because they want to be able to use that hospital. I want those people who choose a house, who choose a retirement home, to know that this is going to be the law of the land forever, and that our Nation has failed them, but we will fail them no more.

Mr. Chairman, I urge my colleagues to support the Taylor amendment. This is the beginning of what is going to be an hour-long debate. My colleague, the gentleman from Indiana (Mr. BUYER), is going to try to gut the Taylor amendment.

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

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. BUYER) seek the time in opposition?

Mr. BUYER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. BUYER) is recognized for 15 minutes.

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

Mr. Chairman, I would change the vocabulary a bit, I say to my friend, the gentleman from Mississippi (Mr. TAYLOR). I seek to improve the amendment, not gut it.

To improve the amendment, what I mean is what we have done in the base text of this bill is stop the rhetoric. By speech, it is 101, any Member can go to the well and give a great speech and throw their arms around the military veteran. It is the easiest speech to give. It is 101 in speech.

Delivering the right preparation on the commitment and obligation of the retiree is a little more difficult. I will never, ever create an unreal expectancy. I caution Members who will speak on this issue, because I will be quick on my feet. I want truth in advocacy.

When it comes to ''the Medicare subvention,'' let me bring the stark reality into question. If we were to draw a pie of the 1.4 million military retirees, half of that pie, they live next to medical treatment facilities all around the country. Then, of that pie, I take 20 percent of the half, and that is all that could ever be treated in Medicare subvention. Why? Because there is a capacity question, capacity.

So be very cautious and tempered in words to say, and I throw this warning out in the debate, that Medicare subvention, if we make it permanent, delivers on the promise, because it does not.

The painful reality to the military retirees came into being not in the 1960s, when we created Medicare as a program, and we then triggered the retiree into the Medicare system, to be treated like everyone else in the country, senior citizens who had never worn the uniform. The painful reality really came when we went through the BRAC process and closed a lot of military bases, to include those base hospitals.

Congress responded in search of an answer. The reason this is so difficult, and it is a complex health system, is that the purpose of the military health systems are to treat combat casualties and accidents, and those active duty service personnel who are sick. Second comes the dependents and retirees. The real purpose is combat casualties, so military medical readiness is set up a little bit differently.

So when Congress is in search of ''the answer'' of how we take care of the commitment to the military retiree, we created some demo programs. We created Medicare subvention, whether it is the FEHBP, we have BRAC pharmacies, we have many different things.

What we do in the base text of this bill, which I compliment the bipartisan support of, that came out of the Committee on Armed Services, is, and it is supported by the administration, we put our arms around all of these demonstration projects. We expand them, and then we end them on December 31 of 2003.

Why do we end them? Because we want to analyze all these programs and say, all right, what is best to deliver the care to the military retiree? I would say that we do not have the competency to make that judgment today, so we create a methodology that says, all right, we create an independent advisory board, nominated by the Secretary of Defense. They will examine these. They have a report due to Congress in July of 2002.

We will have our ideas. The advisory group has theirs. DOD has theirs. The Senate will have theirs. OMB I am sure is a player. Then what we do is we come in and then make a judgment in the fall of 2002 of what is the best to deliver.

In the meantime, what can we do? Because that is the spirit of what my colleague, the gentleman from Mississippi (Mr. TAYLOR), is trying to say: In the meantime, what can we do?

I have been a good listener to him. I will have an amendment that comes up that says that we will expand the scope to the major medical centers, but it is not timely for us to make permanent Medicare subvention. Why? Because it is a crippled program. It was meant to be cost-neutral when it was negotiated with the Committee on Ways and Means and the Committee on Commerce. Today it is costing over $100 million to DOD, in excess of $3,000 per beneficiary.

Mr. Chairman, if we have a pilot program that is crippled fiscally, is it the right thing to do by the taxpayers to say, well, we will just go ahead and make it permanent? I believe that is not the proper and prudent thing for us to do. Let us follow the methodology. Let us do what is right for the military retiree.

In the meantime, we can do something. I will agree, I concur with the gentleman, we will extend the scope. We will work with HCFA and DOD to renegotiate these reimbursement rates. We will work on the utilization question.

One glorious thing we did do in this bill is we said to the military retiree, we said, we will create a pharmacy benefit, a pharmacy benefit that is so rich that it is not going to be treated like Grandma and Grandpa that never had served in the military. We are going to say to the military retiree, you are entitled to this pharmacy benefit.

So there are some things that we can do while we are waiting for the methodology, the analytical process of the data. Then we step forward, working with the next administration, for the cost of this program.

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

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

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

Mr. Chairman, I think it would be good for the gentleman to tell us a little bit about the pharmacy benefit and what the retirees can expect. It has not been talked about a lot in the base bill.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the TRICARE senior pharmacy, what we do is reinstate access. We do not create new entitlements for the military retiree. It is an earned benefit. What we do is we preserve access to the military pharmacies at the medical treatment facilities.

We create a mail order pharmacy with an $8 co-pay, so if someone has diabetes or needs a drug that they know that have to have, they can. We also create a network, retail, with a 20 percent co-pay. Then also we have added an out of-network retail with a 25 percent co-pay and a $150 deductible.

What we are doing is giving the widest array of choices to that military retiree. I think that is extremely

important, because most do not live next to medical treatment facilities.

Mr. HUNTER. If the gentleman will continue to yield, I just want to thank the gentleman for the great work that he did, along with his colleagues on the Subcommittee on Military Personnel, in developing this good program for our veterans and for our retirees.

I appreciate the fact that he is walking down through this road, these problems, which are fairly complex and which have a lot of potential options, and trying to put together a responsible program for our veterans and our retirees.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the key word that I believe the gentleman used is ''options.'' This methodology preserves a wide array of options from which we can then choose.

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

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

Mr. Chairman, keeping our word to our Nation's military retirees is not an option. Ten Members of Congress have cosponsored this amendment.

They are the gentleman from Mississippi (Mr. PICKERING), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Florida (Mr. SCARBOROUGH), the gentlemen from North Carolina, Mr. JONES and Mr. HEFLEY, on the Republican side; the gentlewoman from California (Ms. SANCHEZ), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from California (Mr. FARR), and the gentleman from Tennessee (Mr. TANNER) on the Democratic side.

We believe, Democrats and Republicans, that it is time we keep our word.

□ 1745

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I urge my colleagues to support the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), which expands and makes permanent the TRICARE Senior Prime program, more commonly known as Medicare subvention.

I focused on the need to improve access to health care services to the men and women in uniform in the past and particularly for our Medicare eligible retirees. This is truly the year of military health care. The expansion and permanent authority for Medicare subvention which the Taylor amendment will provide will begin to fulfill the commitment made to our men and women in uniform who were promised access to health care services for life if they served 20 years or more in the Armed Forces.

We made that promise to take care of the career men and women and their families and me must, Mr. Chairman, keep that promise. The Taylor amendment improves access to medical care for Medicare-eligible military retirees by expanding TRICARE Senior Prime to military hospitals and making the program permanent. It is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities.

Mr. TAYLOR of Mississippi. Mr. Chairman, since we have the luxury of so many cosponsors, I will be recognizing them in the order of seniority on the committee, Democrat, Republican.

Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I am really torn on this. There is nobody that has worked harder on this subject than the gentleman from Indiana (Mr. BUYER). The gentleman has struggled, he has negotiated with the Committee on Ways and Means, and unless you have negotiated with the Committee on Ways and Means you do not know what he has been through. He has worked diligently and hard and not only that, his heart is in this subject. He wants this problem solved, and he has come up with a plan to solve it.

On the other hand, I have worked for so many years on this subvention program. I can remember years ago, and I say to the gentleman from Mississippi (Mr. TAYLOR), I do not know if the gentleman remembers this or not, because we did not know each other well at that time, when we were before the committee and we were saying that we had made promises to these people that we were not keeping, and at that time the Pentagon was saying we did not really promise; that was overzealous recruiters that made those promises.

And I say to the gentleman, remember, we waved in front of them recruiting brochures to show, back from the 1950s I think they were, to show that we had made those promises. We made promises and we need to keep those promises, and one way to do that was that we passed the subvention program, to give it a try.

I sponsored that when it was not popular. There was no other sponsor in the House, there was no other sponsor in the Senate when that first started, but now it is a popular program. The retirees like that program, but it is not working like we planned, as the gentleman from Indiana (Mr. BUYER) has well pointed out.

Mr. Chairman, we made a bad deal on the payment schedule, and we need to correct that bad deal. The amendment of the gentleman from Indiana (Mr. BUYER) will kick the ball down the field, and I think that is good. And if that is all we can get, I think that is good, but I think it has one flaw, I say to the gentleman from Indiana (Mr. BUYER), and that is that it has to be cost neutral, and I am not sure it ever happens to expand it to those 12 or 13 if it is cost neutral unless we correct the problem with HCFA.

Let me just say in closing real quickly, there are three things that I would like to come out of this whole deal, and it may have to come out in conference, I would like for us to make HCFA pay like they are supposed to pay. I would like that to happen, and I think we are going to have to write that in in conference.

I would like the program extended nationwide, and I do not mind at all putting the sunset on it to take another look at it, and that is what the gentleman from Indiana (Mr. BUYER) is trying to do there. So I think there is a way to compromise, do not make it permanent like the gentleman from Mississippi (Mr. TAYLOR) wants it and I would like it, but have a time to reexamine it, but extend it nationwide.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

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

Mr. Chairman, I think the first thing that one ought to say when looking at this issue is that the government did make a promise, and it is important to keep that promise, not just for the retirees, but also for the young folks who are in the military now or are thinking about getting into the military.

Like many of my colleagues, I have had the experience of talking with the young 22-year-old single male in the military and asking why he is staying or whether he is going to stay in the military and the subject of health care comes up from someone that we would not think would be particularly concerned about health care.

I think all of us feel the frustration that the gentleman from Colorado (Mr. HEFLEY) talked about of trying to get greater attention to this issue and trying to find a way to solve this problem, to keep that promise when there are not the base hospitals to keep the promise. So it certainly has been a difficult thing.

Mr. Chairman, I heard the gentleman from Mississippi (Mr. TAYLOR) say in front of the Committee on Rules that he wished he had a magic wand to wave over the country to solve it for everybody. Subvention is not a magic wand. As a matter of fact, I think there is no such thing as a magic wand, which is why we have to look at a number of options.

The underlying bill that the gentleman from Indiana (Chairman BUYER) has put together gives us, I think, for the first time since I have been in Congress a path towards a solution. It is not mere rhetoric, but it moves us in a direction by extending the various pilot programs and by expanding them to help make sure that it is a fair test.

My district is one of those that includes part of the subvention pilot program test, and I can give my colleagues

a number of concerns that folks in my region have why it is not a true test. In my district, I also have people who live in a city that has a base that has been closed, and they are hundreds of miles away from the base where the subvention test is going on.

In my district, I also have military retirees that live many miles from any significant city, and around the country there are a variety of circumstances, and no one approach, including subvention, or FEHBP, is going to solve them all. We have to have a multilayered approach in order to come as close as we possibly can to keeping that promise that we made to retirees. I think that is the essential point.

What this bill does is gives us several options, tries to collect the information on what is needed but also moves us towards a time certain to make that decision, and we have never had that time certain before, but the essential point that has to be included in this or any other approach is that kind of choice; that is in the pharmacy benefit, which is in this bill.

We can have the mail order choice, if that is what best meets your needs, or we can a pharmacy that is inside this organization, or an outside one. You pay a little different copay, but you have the choice to make the decision that best meets your need. That is the only way we will come close to meeting the commitment that we made to military retirees, giving them those options.

The path that has been laid out by the chairman is the way to get to that point, and I thank the gentleman for offering it.

Mr. TAYLOR of Mississippi. Mr. Chairman, if a politician breaks his promise, shame on him. If a Nation breaks its promise, shame on all of us.

Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member on the Subcommittee on Military Personnel, another member of this committee who is trying to see to it that our Nation keeps its promise.

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

Mr. ABERCROMBIE. Mr. Chairman, let me state that I do not think anyone has worked harder on this issue than the gentleman from Indiana (Mr. BUYER). No one has worked with more diligence to try and put together a package that we can present to the body, some of which has already been mentioned, as the gentleman from California (Mr. HUNTER) indicated about the prescription benefit.

We do not want the good work that has been put together to get lost in this particular argument, and I do not even want to say it is an argument. As a matter of fact, that is one of the points I want to make. I do not think, and I hope that everyone on the committee would certainly recognize, that no one has tried to work harder than with the gentleman from Indiana (Mr. BUYER) than myself. This has been a bipartisan effort.

And I really believe, I honestly believe, my friends, that we may be having a dispute over something which really we have no argument about. I was quite content with the bill the way it was in the sense that we were trying to work the Medicare subvention thing, something which I support and many people have supported right straight through.

The question, though, for us now is the Committee on Rules has made this in order. And in my conversations with the gentleman from Indiana (Mr. BUYER), I indicated if they made it in order, I thought that perhaps the best role for us to take was to go to the full expansion and see where we win out.

Let me tell my colleagues why. The difference between what the gentleman from Indiana (Mr. BUYER) has and what the gentleman from Mississippi (Mr. TAYLOR) has again may be a distinction without a real difference if we work this right. The amendment to the amendment or the substitute that the chairman has extends it to some additional sites, the Taylor amendment makes it nationwide.

Here is the implementation idea, because I think in the end, we want to go to subvention, Medicare subvention. The Taylor amendment now reads beginning next January, but full implementation does not take place till 2005. And the amendment of the gentleman from Indiana (Mr. BUYER) now has beginning in 2002 and could be limited at least in terms of the experimental time for about 15 months.

In other words, we are talking about a difference in time. There is not a difference in principle here. There is a position versus our interests. And I think our interests are to try and extend it now, not because there is a victory or a defeat in this, but rather that inasmuch as we are going to expand the program anyway, let us expand it nationwide, let us give the House the opportunity to work its will on this, and then we will move; as General Ryan has indicated in his letter, that we need to have a more equitable arrangement than is now possible on cost effectiveness between the HCFA and the DOD.

Certainly, the Armed Forces will work with us. In fact, he says ''I ask your support in working with the DOD, HCFA and the Congress to develop cost-effective solutions.'' I think virtually everything that the gentleman from Indiana (Mr. BUYER) has said with respect to the difficulties is absolutely correct. I do not think anybody in any honesty can argue with it, but if we give this a chance to work nationwide, I think that we will all be the winners in the end. And I hope that we can come together on that resolution.

I want to thank the gentleman from Indiana (Mr. BUYER) for all of his help.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I enjoyed working with the gentleman from Hawaii (Mr. ABERCROMBIE), and I would say that in the letter from the Air Force Chief of Staff, it also reads, ''I urge that we heed the lessons already learned from the Medicare subvention demonstration projects. The current TRICARE Senior Prime demonstration, though popular with retirees, is not fiscally sustainable over the long term.''

The real difficulty I say to the gentleman from Hawaii (Mr. ABERCROMBIE) between these two proposals is that the gentleman from Mississippi (Mr. TAYLOR) seeks permanency of a crippled program.

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

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

Mr. Chairman, the testimony of the DOD before the House Committee on Armed Services on March 15 of this year, and I am quoting, ''We believe that TRICARE Senior Prime is the key component of keeping health care commitments to our 65-year-old retirees and family Members who have sacrificed so much in the service to their country.'' That is Rudy de Leone, the Under Secretary of Defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), another key player on this, a member of the House Committee on Armed Services.

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the Taylor-Jones-Bartlett amendment. I have seen the recruiting brochures. We did promise lifetime health care in a military facility for those who honorably served their country for 20 years or more. For a decade now, we have broken that promise and we are paying a high cost for having broken that promise.

It hurts us in recruitment. When their father, their uncle, their grandfather tells them that the military did not keep their promise to them, why should they think we are going to keep our promises to them?

□ 1800

Three of our services are failing to meet their recruitment totals, and this is part of the problem.

It is hurting retention. When they look ahead to what will happen to them when they retire, they wonder if they can trust us, and so they are not staying in. They will not retire. They are leaving the service.

Properly administered, this program should cost no more than what we are now doing. As a matter of fact, the Medicare reimbursement is only 95 percent of what it is in the other hospitals. This means it actually ought to cost the taxpayers less. If the program is crippled now, it is only because it is not being administered correctly and we need to change that.

It is very important that we keep our promises to our veterans, not just because we made them and that is what

honorable people do, it is important because it is hurting us now in recruitment and it is hurting us now in retention.

Mr. Chairman, I strongly urge a positive vote on this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, what is the time that remains?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Mississippi has 3 minutes remaining, and the gentleman from Indiana (Mr. BUYER) has 3½ minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), another sponsor of this measure and a member of the Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Taylor amendment.

What is at stake here is a fundamental commitment to the men and women who wear the uniform. This is not a time to go slow. That is not what we have asked our veterans to do. This is not a time for incremental gain. We need the comprehensive approach that the Taylor amendment calls for.

I join with my colleagues in recognizing the efforts of the gentleman from Indiana (Mr. BUYER) on this committee, but I would like to point out that what we need here is the will to move forward. As we go through midtime review and see the surpluses that this Nation will have achieved because of our economic strength, we have the ability to carry out the options necessitated to make sure that we live up to the commitment that we made to these veterans.

Mr. Chairman, my father used to say to my mother Pauline, sitting across the dinner table, ''Who won the war?'' It is to the bewilderment of many of our veterans these days, thinking that their Nation has forgotten about them, that it has reneged on their promise. I do not question the patriotism or the fervor on the part of the gentleman from Indiana (Mr. BUYER) or anyone here who has served on our committee to do the very best for veterans. I simply believe that we can do more and we should do more. This is not a time to pull back. This is a time to move forward because we have the resources and the will to accomplish this on behalf of our veterans.

Memorial Day is around the corner. I agree with the gentleman, too many times we hear semantical speeches and plaudits given to veterans. We have an opportunity here today to act on their behalf. I urge support of the Taylor amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield the balance of my time, 1½ minutes, to the gentleman from North Carolina (Mr. JONES), another key member of the House Committee on Armed Services.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of this Taylor amendment, and I must say I have enjoyed this debate. I have great respect for the gentleman from Indiana (Mr. BUYER) and great respect for the gentleman from Mississippi (Mr. TAYLOR) because what we are all trying to do is to do what is right for our retirees.

I have 12,000 retirees in my district, the Third District of North Carolina, and I have to say that the first thing on their mind is health care; secondly is will they have adequate health care when they get to be 65. They also say to me that we here all seem to be able to send $13 billion to Kosovo, and they want to know why we cannot help them with their health care.

So I am delighted that we are having this debate today because it is extremely important, and this Taylor amendment will help our retirees understand that we are willing to do what is necessary. I commend the gentleman from Indiana (Mr. BUYER), and I think that his plan is good, but I think this plan is much better because what we are saying to those retirees is we are going to make an investment.

It is my understanding that 5 years of the Taylor plan would cost $250 million. That is my understanding. If I am wrong a few million dollars, still look at what we are spending in Kosovo. We can find the money to help these retirees, and I think, quite frankly, Mr. Chairman, that those of us who have the privilege to serve I hope will look seriously at supporting the Taylor amendment tonight. We are saying to our retirees that we are willing to roll up our sleeves, we are willing to do what is necessary to give them the health care that they deserve and that they need when they hit 65.

Mr. BUYER. Mr. Chairman, I yield the balance of my time, 3½ minutes, to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Chairman, I do not often find myself facing a tragic situation, but what I see occurring tonight here on the floor is a tragic situation.

Everyone in this House wants to honor military retirees and veterans. And those are two different groups. We have worked tirelessly to try to assist military retirees, through the Department of Defense's program called TRICARE, as we have worked diligently to try to help veterans under the Veterans Administration program called Vision.

Now, what is at stake here is not helping Americans who turn 65. That is not at issue. A military retiree turning 65, a veteran turning 65 has the Medicare benefits available to them. No one is being deprived of the full Medicare services, even though the hospital portion is a payroll tax, paid for by some Americans into a payroll tax and not paid by others.

No one turning 65 does not get Medicare. That is not the issue in front of us. Please, do not try to make that the issue. It is not. The issue is should military retirees be able to go to military hospitals to get their Medicare benefits.

Now, as my colleagues might imagine, the military hospitals were not exactly structured to handle geriatrics. They did not have as their history the ability to deal with old-age infirmities. That is not what they were designed to do. By what we are trying to do is take the Medicare funding, the taxpayers' money, and utilize it in Department of Defense institutions. It is not an easy thing to do. They do not have doctors that necessarily deal with old age. They deal more with wounds than arthritis. But what we have tried to do is meet the request; merge the Medicare monies into the DOD hospital structure. And we have been moving forward.

In 1997, under the new majority, we said let us try this program. Here was the first General Accounting Office evaluation in May of 1999. ''DOD Data Limitations May Require Adjustments and Raise Broader Concerns.'' We knew that it was going to be difficult getting started.

Here is the September 1999 report. ''DOD Start-up Overcame Obstacles, Yields Lessons and Raises Issues.'' That is progress. Here is the January 2000 report. ''Enrollment in DOD Pilot Reflects Retiree Experiences and Local Markets.'' We are making progress.

If I asked members of the Committee on Armed Services if they wanted to issue a rifle that they knew jammed on every fifth shot, just so they could say that they met some deadline in giving them new equipment, when they knew the equipment would not work; is that really what they would want to do? If we make this program permanent, it will fail.

There is no question it will fail on the basis of the ability of the DOD to account for the costs of seniors who are military retirees in their hospitals. It will overwhelm them. We will be paying out billions of dollars. Instead of receiving money, we will be paying money. We do not want that.

My colleagues do not want what they are asking for. This program is moving forward. It is responsible. Support the Buyer amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, all we have to do is go out here at Bethesda Naval Hospital, or Walter Reed Hospital, or Fort Leonard Wood Hospital and we will see those military physicians and technicians and nurses doing their very best to take care of geriatrics, the senior citizen who served his or her country for over 20 years.

So I wish to correct my friend from California.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and I listened with great care to what the gentleman from Indiana (Mr. BUYER) had to say to warn us about the emotional side of being inaccurate in this, but I am not running for reelection. This speech gives me nothing.

I want to tell my colleagues what I learned when I first ran for office 6 years ago, and that is that we have lied and cheated our veterans and our retired military in terms of their health care. It is too common a complaint. It is too real. I saw it. I saw it at Tinker Hospital in Oklahoma City. They cannot even handle the people that are there now that are active duty. They send the people off.

So the question is, yes, have we met our need? We all agree we are trying to do that whether we do the Buyer amendment to this amendment or not.

The question that was raised is, is it cost effective? I do not care if it is cost effective. Because if it is cost effective or not, if the first principle of not keeping our word is not met, it does not matter. It does not matter.

We will not be able to ever man an army when we need to man a geared-up army if that population believes that we will not keep our word. And that is exactly what they believe today.

The final thing is that it is a crippled program. The only reason it is crippled is because we have not thought outside of the box. If we make the commitment to retired military that we are going to promise them health care, then give them a card, a new card, that lets them get it at a military hospital, at a VA hospital, at any hospital they want. But, by dingy, keep that commitment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this amendment.

I believe that H.R. 4205 laid the groundwork to address the continuing health care problems that are plaguing our service members. This amendment is crucial to our military retirees because it expands the Medicare subvention demonstration program for our Medicare eligible military retirees and their dependents.

Mr. Chairman, I just spent a week in my district visiting high schools and working with each of our services on their recruiting efforts. What is really great is the amount of young people that are out there who have a sincere interest in serving their country. What is unfortunate is that there are retirees who discourage them because of their intense disappointment and anger in how we are addressing their health care needs. They simply feel betrayed.

I want all my colleagues to know that this issue is real and that we are feeling the effects at our recruiting stations in our recruiting efforts. This amendment ensures that service members who served their country honorably have access to Medicare subvention, and not just in 8 locations, but across the country.

I was concerned about subvention because of reimbursement costs, however, this amendment also ensures that the Health Care Financing Administration would reimburse the Pentagon for most of the program's cost.

I urge my colleagues to support this amendment. We owe this to the men and women who have served and continue to serve our country.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING).

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Mr. PICKERING. Mr. Chairman, I rise in support of the Taylor amendment and as a cosponsor.

In my great State of Mississippi, we have the legacy of leaders like Stennis and Montgomery, who have built a strong defense. We believe in a strong military in Mississippi. But more important than our leaders has been the men and women, the veterans and the retirees who have honored our country by serving it.

How do we honor them? We honor our word. How do we keep recruitment and retention? We honor our word. If we say ''cost,'' they say ''commitment.'' The question is will we keep our commitment, will we find at least a part of the solution tonight?

I believe the Taylor amendment does that. I ask my colleagues to support the Taylor amendment. I am pleased to join with him.

I commend the gentleman from Indiana (Mr. BUYER) for all of his efforts, from the pharmacy benefit to TRICARE reform to all of the things in the underlying bill that help us keep our commitment as well, but I believe the Taylor amendment is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, now we are beginning to make some progress. I thank my colleague the gentleman from Oklahoma (Mr. COBURN) because, as we heard him say, he is not coming back so he wanted to speak from his heart. What we heard from his heart was that we ought to give military retirees and in fact we ought to give veterans a card, as he said, to go anywhere to get the health care they deserve.

That is not the Taylor amendment. The Taylor amendment says they have got to go to a military hospital on a military reservation.

Now, I tell my friend the gentleman from Missouri (Mr. SKELTON) that I am quite sure that Bethesda Naval Hospital, in the middle of this military area called Washington, does a pretty good job with military retirees. He ought to come out to China Lake in the middle of the Mojave Desert, he ought to go to Edwards Air Force Base and take a look at their military hospitals. They are not Bethesda, believe me.

Those people deserve to get the best health care they can. They do not deserve to be forced to get it on a military base. That is what this Taylor amendment does.

What we did was to set up some programs to figure out how we could merge the private sector assisting the military through the public sector.

The Taylor amendment may be well-intentioned, but what they are trying to do is guarantee that every military retiree gets their Medicare benefits at a military hospital. That is the wrong service to provide to our military retirees.

I agree with the gentleman from Oklahoma (Mr. COBURN), let them go anywhere. But that is not the amendment. I ask them to understand what they are trying to do. They are going to guarantee that the military retirees are going to fail in their effort to get Medicare services at military hospitals.

The amendment of the gentleman from Indiana (Mr. BUYER) is a definite step forward in making sure that this plan continues to show progress.

The gentleman from Mississippi (Mr. TAYLOR) is bound and determined to give the military retirees a rifle that will jamb. Why does he think a shiny new rifle that will not work is somehow benefiting military retirees?

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER), the chairman of our Armed Services Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the chairman for the leadership that he has given me as I put this together and also worked with the gentleman from Hawaii (Mr. ABERCROMBIE).

I needed to address several points earlier when I talked about making sure our advocacy is very correct. Let me address, number one, with regard to the comments of the gentleman from North Carolina (Mr. JONES) that this will only cost $250 million. The actual scoring from CBO is that it is $285 million. I just want to be very accurate.

The other is that what worries me is that if we are at six sites and it is costing DOD $100 million when, in fact, it was supposed to be cost neutral, and then we are going to expand nationwide, over 40 sites nationwide, it boggles my mind the impact that is going have upon DOD that has not even been budgeted.

With regard to my colleague, who I have great respect for and have been in Oklahoma with him in saying that whether it is cost effective or not does not matter, I believe that being cost effective in the efficiencies of governmental operations does matter.

In this bill, for example, we even said, for every claim that TRICARE files, we have learned that it costs $78 per claim. For Medicare, I say to the

gentleman from Oklahoma (Mr. COBURN), when he goes back to Oklahoma and does his Medicare, it costs 85 cents to a dollar to file it. So we are forcing TRICARE to do best business practices and on-line billing.

We are going to save over $500 million over 5 years. That is like a touchdown and extra point for the American taxpayer. Asking government systems to exercise business practices and principles should not be a radical concept of the Federal Government.

I understand the gentleman saying these are men and women who put on the uniform who were not only willing to risk their life but their earning power, also.

Should we meet the commitment and obligation? Absolutely. How we get there with the right method is what this debate is all about.

So I have to stand here, as hard as it is, to agree to disagree with my colleague the gentleman from Mississippi (Mr. TAYLOR). We should not be going to as permanent a system, not yet.

I do not want to, but I will bring my opinion into the matter. My opinion is that I do not believe something magically should happen to a military retiree when they turn 65. When they retire from the military at age 46 or 42 or 50, whatever it is, or they are in TRICARE Senior Prime or Standard, nothing magically should happen when they turn 65. Keep them in the same system. It works for all.

I say to the gentleman from Connecticut (Mr. LARSON) that is comprehensive. To say that what is being offered is comprehensive I would respectfully disagree, because Medicare Subvention is only going to apply to 20 percent of the 50 percent that live next to a military medical treatment facility.

Mr. STARK. Mr. Chairman, having served in our nation's military, I am aware of the hardships that our military men and women, and their families, undergo on a daily basis. When they enlist in our nation's armed forces, they know they are volunteering for a very hard life, not only difficult physically, but also difficult financially and emotionally. Even in peacetime, their jobs are among the most dangerous in all of society, with injury or even death a constant threat.

In addition to the dangers they face defending America and its interests and keeping the peace throughout the world, they also know that their private lives will be very, very hard. Throughout their military careers they accept reduced pay and the deep emotional strain that inadequate finances places on their families. They face the additional emotional strain caused by poor living conditions they must endure. They face the emotional pain of constant uprooting of their lives as they are moved from one military installation to another. Mr. Chairman, the military life is a deeply difficult and painful life.

To be able to cope with the day-to-day difficulties in military life, our military men and women and their families must cling to hope for a better life when their military careers are over. One of the glimmers of hope is that upon retirement, their medical costs, which can be severe, will be paid. In retirement, they will finally have peace of mind, free from the fear of financial ruin brought on by a debilitating illness.

Mr. Chairman, when our military retirees are sick, they feel more comfortable receiving their medical care in a military facility. That is understandable. And because they feel more comfortable there, their stay in the health care facility is less traumatic, less emotionally painful, than in a civilian health care facility. Studies have shown repeatedly that people experience fewer side effects from an illness—and recover faster from it—when they experience less emotional stress. And that is the fundamental reason that we need to find ways to help our military retirees get their medical care in military health care facilities.

That is why, in the Balanced Budget Act of 1997, we authorized a demonstration project under which military retirees in six sites who are also entitled to Medicare would be able to get their medical care in military facilities and have Medicare contribute to the costs of that care. Because we did not know the answers to many questions about controlling costs, the Congress decided to place certain restrictions on this demonstration. Just as we needed to provide a means for military retirees who are entitled to Medicare to get their medical care in military facilities, the Congress also had to protect the Medicare trust funds from going bankrupt, thus jeopardizing medical care for 39 million other Americans who depend on Medicare.

As an example, one of the key issues concerned the form of the Medicare payment for services in military facilities. Because medical personnel in military facilities are paid a salary, unlike private sector medical professionals, who are paid on a fee-for-service basis, the Congress decided that payment for services in military facilities should be on a ''capitated'' basis; that is, payment should be based on the average amount that Medicare would normally pay for services for a Medicare beneficiary living in the area where the service was provided. The Congress also placed other limitations on the demonstration to protect Medicare.

Because the Congress did not want to delay any longer than necessary in providing this important benefit to military retirees, the demonstration was limited to three years. The Congress asked the General Accounting Office (GAO) to evaluate the demonstration and advise us on how to expand the program and make it permanent. In January of this year, the GAO issued its first report on the demonstration. The GAO found that in the first year of the demonstration, over one-fifth of Medicare-eligible military retirees in the six demonstration areas had enrolled in the demonstration. Enrollment was highest in sites where other Medicare managed care plans were not present; it was lowest where such plans were widespread. GAO will continue to monitor the demonstration and report to Congress annually.

Mr. Chairman, the amendments that we are considering today would either abandon the demonstration, and the knowledge to be gained from it, and proceed immediately to a permanent unlimited program, or expand the demonstration to eight additional sites, again without the benefit of the knowledge gained from the demonstration already underway. This is not the prudent way to proceed. This is not the way to help our military retirees and also protect the 39 million other Americans who depend on Medicare. The demonstration we have underway will give us information on which both to help military retirees and to protect Medicare. And we would know these answers in only two more years.

Mr. Chairman, the Administration has informed us that their position on these amendments is that the current demonstration should be extended for only one or two additional years, and that an independent evaluator should review the demonstration before we proceed further. That is the prudent course of action.

Mr. Chairman, I rise in enthusiastic support of the Taylor Amendment, which will expand and make permanent the existing TRICARE ''Medicare Subvention'' demonstration program for Medicare-eligible military retirees and their dependents. The Health Care Financing Administration would reimburse the Pentagon for most of the program's cost. Under the Taylor amendment, TRICARE's ''Senior Prime'' program would become a permanent program and would be available nationwide by Jan. 1, 2006.

Mr. Chairman, I cannot think of a more worthy amendment that would have a more wide reaching effect on the healthcare of our honored Veterans and retirees. For many years, thousands of our military retirees were promised by their recruiters a lifetime of affordable healthcare if they served their nation for at least 20 years. The Taylor Amendment will restore the covenant between a grateful nation and those who faithfully served it in the Armed Services.

Medicare Subvention improves the military healthcare system and has without a doubt been an unmitigated success. Under the Taylor Amendment retirees will have access to the healthcare they need more expeditiously than under the current ''space available'' standard. The physicians at the military facilities where the pilot programs have been implemented, have welcomed the introduction of retirees as these patients have enabled a greater practice of medicine, which adds to the recruitment and retention of doctors and nurses.

The Taylor Amendment is an important step towards fulfilling the promise to our nation's military retirees. I urge its passage and I urge a defeat to the Buyer substitute.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 7 printed in House Report 106–624.

AMENDMENT NO. 7 OFFERED BY MR. BUYER AS A SUBSTITUTE FOR AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. BUYER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 7 offered by Mr. BUYER as a substitute for Amendment No. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) EXPANSION OF PROJECT.—Section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended—

(1) by amending paragraph (2), to read as follows:

''(2) EXPANSION; LOCATION OF SITES.—Not later than December 31, 2002, in addition to the sites at which the project is already being conducted before the date of the enactment of this paragraph and subject to annual appropriations, the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center and that is designated jointly by the administering Secretaries. The total number of sites at which the project may be carried out shall not exceed 14, and the total number of military treatment facilities at which the project may be carried out shall not exceed 24.'';

(2) in paragraph (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''; and

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

''(6) ADMINISTRATION OF PROJECT.—Not later than September 30, 2002, the administering Secretaries shall undertake measures to ensure that the project under this section is being conducted, and reimbursements are being made, in accordance with subsection (i), including discussions regarding renegotiation of the agreement authorized under subsection (b)(1)(A).''.

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended—

(1) in paragraph (1)(A), by inserting '', which may be modified if necessary'' before the closing parenthesis; and

(2) in paragraph (5), by striking ''At least 60 days'' and all that follows through ''agreement'' and inserting ''The administering Secretaries shall also submit on an annual basis the most current agreement''.

(c) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

''(7) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'medicare-eligible military retiree or dependent' (as defined in subsection (a)). Notwithstanding paragraph (2), the administering Secretaries shall continue to provide health care under the project at any military treatment center at which such care was provided before the date of the enactment of this paragraph.''.

(d) PAYMENTS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

''(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.''.

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

''(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the project has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (within the meaning of that term as used in chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the project by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.''.

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

''(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the project (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

''(2) In applying paragraph (1)—

''(A) in the case of an enrollment that occurred before the date of the enactment of this subsection, the enrollment (or effective date of the enrollment) is deemed to have occurred on such date of enactment for purposes of applying clauses (v)(III) and (vi) of section 1882(s)(3)(B) of such Act; and

''(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.''.

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

''(8) 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.''.

(h) REPORTS.—(1) Subsection (k)(1) of such section 1896 is amended—

(A) in the second sentence, by striking ''3½ years'' and inserting ''4½ years''; and

(B) by redesignating subparagraph (O) as subparagraph (T); and

(C) by inserting after subparagraph (N) the following new subparagraphs:

''(O) Patient satisfaction with the project.

''(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,''.

(3) Not later than July 1, 2002, the Secretary of Defense shall submit to the independent advisory committee established in section 722(c) a report on the actions taken to provide that the project established under section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is being conducted on a cost-neutral basis for the Department of Defense.

(4) Not later than December 31, 2002—

(A) the Secretary of Defense shall submit to Congress a report on such actions; and

(B) the General Accounting Office shall submit to Congress a report assessing the efforts of the Department regarding such actions.

H. RES. 504

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 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.

SEC. 2. (a) No further 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 and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 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. 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 each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. 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. 4. 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. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Indiana (Mr. BUYER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER) is recognized.

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

Mr. Chairman, the amendment that I offer would require the expansion of Medicare Subvention, TRICARE Senior Prime Program, by the end of 2002 up to 13 more hospitals, bringing the total number of hospitals offering enrollment in Medicare Subvention to 24, and making an additional 140,000 retiree eligibles for enrollment.

We seek to extend Medicare Subvention, TRICARE Senior Prime demonstration project, through December 31, 2003. We require the Secretaries of Defense and Health and Human Services to take measures necessary to ensure the program is being administered in a fiscally sound manner and in accordance with the original legislation.

We also require GAO to oversee the efforts of both Secretaries. We ensure that the current subvention sites continue and care for the current participants is not interrupted.

We also ask that direct payments go directly to medical treatment facilities where the program is being offered.

We also seek to eliminate discrimination among enrollees allowed to ''age into'' the program by removing the requirement that their care be managed by a military treatment facility prior to enrollment.

We also seek to provide Medigap insurance protection to enrollees as if they were enrolled in the Medicare+Choice Plan.

We will also seek to implement the utilization management controls to keep the program within the budget caps as set by the budget resolution.

We also seek to require several reports on the efficacy of the demonstration project to be considered by the Congress in making the final decision in the year 2003 about the type of care we seek to extend to the Medicare eligible military retirees.

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

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

Mr. Chairman, the Buyer plan calls for a very limited program that would end in 2003. The Taylor plan calls for a nationwide program that would begin now and remain as long as we are a republic.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), one of the sponsors of the Taylor amendment.

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me the time.

Mr. Chairman, I have a great deal of respect for all the members of the committee that are dealing with this issue. I am not a member of that committee, but I do have some experience in this issue. I represent the largest base closure in the United States where they closed the military hospital. Out of that developed a veterans health clinic.

What I am seeing in this debate and I think our problem here in Congress is that we know about the promises and promises and promises that were made, but when we get down to trying to implement the promises, we find we have excuses, excuses, excuses. Those excuses are sort of promises dependent upon multi-layered solutions, promises dependent upon studies, promises dependent on delays on pilot programs and so on.

I mean, the fact of the matter is that we have military hospitals and we have veterans clinics. I know that there is a different jurisdictional issue here, but to the people outside of this building, they do not understand that.

Most hospitals in America are having a problem of being filled because our delivery of medicine is being more adequate. We have enough facilities out there. And what we have is a process that does this, they say they can go to a military clinic and they can get care and there is where their records are, those are where their identities are with their professional staff, but when they get to the age of 65, they are out, to go out in the private sector and, for the first time in their life perhaps, a doctor that will provide service for them and accept Medicare payments.

This is a whole new series. Think if they are a widow who has been in the military service and has not been able to understand the private sector. So we kick people out at a very vulnerable time, they lose that rapport, their records are not in one place.

What we are saying here is why not have, and this is where I think we are crazy on our budgeting of this stuff, why not allow a continuum of care at age 65 in the very same place they have been getting it, whether it is a veterans clinic or a hospital.

This amendment should be defeated.

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

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

Mr. SPENCE. Mr. Chairman, I rise in support of the Buyer amendment.

Mr. Chairman, the Buyer amendment provides a reasonable expansion of Medicare Subvention by adding up to 13 more hospitals to the 11 already participating today. It also provides 146,000 more retirees the eligibility to enroll in the program, where today we only have 30,000.

What the gentleman from Indiana (Mr. BUYER) proposes fully complements the superb health care reforms contained in the base text of our bill. In addition to restoring the access of 1.4 million retirees to the prescription drug benefit they have earned, this bill provides a process by which a permanent, comprehensive health care benefit can be provided to Medicare-eligible military retirees. The Buyer amendment substantially advances that process.

I am also swayed to support the Buyer amendment by the cautions raised by General Mike Ryan, the Chief of Staff of the Air Force. He does not believe that the current Medicare Subvention program is sustainable fiscally over the long term. In my view, that serious caution must not be disregarded as we make decisions with regard to changes in the level and scope of medical benefits for our military retirees.

I urge my colleagues to support the Buyer amendment.

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

Mr. Chairman, let me point out that General Ryan is a four-star general. When he retires, the private sector will be beating his door down to offer him outstanding opportunities.

I am more concerned with the sergeants and chief petty officers who do not have that financial security, and that is why we are trying to make Medicare Subvention on a nationwide basis for all military retirees.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget and the senior member of the House Committee on Armed Services.

Mr. SPRATT. Mr. Chairman, I represent a lot of military retirees; and I can speak to the sentiments others have voiced that they feel betrayed.

This bill is an effort to try to make them feel that we are keeping the promises we made about military health care for life when we induced them to serve the better part of their adult lives in the armed services of the United States.

The base bill here is basic. What it simply says is that, when they turn 65, if they are a military retiree, they can keep on going to a military treatment facility for medical care and the care they receive, if they have the space available, the resources available, will be paid for by Medicare, by HCFA.

□ 1830

If the military treatment facility is not able to provide that care, then the retiree would continue to receive benefits that he had been receiving under the TRICARE program. Basically if the resources are not there, if the treatment facility cannot accommodate the military retiree, then that person will go back into the private network that he has always used if he has been a subscriber to TRICARE. This provides among other things for continuity of care. It will help us get military retirees to join TRICARE because they know when they get to be 65, they will not have to start all over again with a

new battery of doctors and new treatment facilities.

The Republican-passed budget, when it came to the floor, initially did not provide enough money for this, nor did it provide enough money for a pharmacy benefit. When it came back to us from conference, the conference report, however, provided $400 million, anticipating it might be used for something like this. And so that is exactly what we are doing. We are saying, let us use the money that is provided in the budget resolution to extend the Medicare program, extend the benefits of the Medicare program to military retirees so that they can go to those military treatment facilities they have always used. It is fair, it is sensible, it is affordable, it is not a token, it is substantial. We ought to do it.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in support of the Buyer amendment, and I believe that that amendment and frankly the underlying goal of the underlying amendment are both well-intentioned. However, I believe that subvention does not do it all for all the people we need to help. We are not keeping the commitment that we must keep to the retirees. When you come from a district like mine where we have no base to argue about a clinic, whether it is great for geriatric patients or not, they end up having to drive 640 miles round trip to McClellan from Oregon just so they can get their prescriptions filled.

So I am not ready to write a blank check here on subvention. I think the Buyer approach is the best approach, take this a step at a time while we do what my colleague from Oklahoma recommended about getting a card for everybody, so that my veterans and retirees do not have to make this trip.

I commend the gentleman and the chairman for their work so that they can get prescription drug coverage, because right now these people are boarding buses once a month to go to McClellan so that they can establish their ability to get prescription drugs. Do you want them to drive over mountain passes in the middle of the winter 300 miles each way to do that? This legislation fixes that problem. I commend both of the gentlemen and all the members of this committee for taking care of that. I support the Buyer amendment so we do the right thing here and not write a complete blank check.

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

Let me point out a couple of things. The Taylor amendment does not deprive any single program of one cent. It is an expansion of health care made permanent in military installations. The Buyer bill, throughout the entirety of the bill, says ''may be carried out at a limited number of places'' and it expires in 2003.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. I thank the gentleman for yielding me this time.

Mr. Chairman, let me say that with some difficulty I am going to vote against the gentleman from Indiana and for the gentleman from Mississippi's amendment. But I want to make it very clear that I have no greater respect for anybody in the world than the chairman of this committee and the gentleman from Indiana in their efforts to improve the defense of this Nation and in their concern for caring for our veterans and our retirees.

They do not have to take a back seat to anybody on that. The wonder of this debate is, however, that we are really here today, all of us, trying to find a solution to a problem that we have known about a long time, and it started some years ago as a little low roar and now, by golly, we are in here fighting it out how who can do the best for our particular veterans. Medicare subvention, in my view, and in the gentleman from Mississippi's view is probably the better way to go. It does not fulfill our commitment totally, nor does it force our veterans to go to military treatment facilities. They do not have to do that. They can continue to go to civilian facilities if they like.

Now, I am concerned about the difference in the cost. However, there is something badly wrong there. HCFA pays the same thing for an MRI, whether they go to Eisenhower Army Hospital or whether they go to a civilian community. The question is what is causing that cost and that is exactly what we need to do. We need to fix that and make sure it is cost neutral. I believe that we can do that if we put sort of the wheel to the grindstone. When we get through passing this today and giving our retirees part of what we owe them, Medicare subvention, we need to continue pushing, we need to continue to have this debate, and there is a bill for us all that will allow all of our retirees to be able to use the very health plan we have, the Federal employees' plan. That is what they want to do. They just want the same thing that we get, and there is absolutely no reason that you can justify that we should not do that and do that this year, do it immediately and keep our word.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I take a back seat to no one as far as veterans and trying to help them, whether it is FEHBP, subvention, or other programs. I fought for their COLAs and I fought for their funding. I am a veteran. I am a combat veteran. I have health care needs because of that combat. And I understand the need. I have gone into hospitals where a general running a military hospital said, ''Duke, I'm losing two or three veterans a week from World War II, and they're not getting the health care that they need.'' And I understand what the gentleman is doing probably more than anybody in this room.

My veterans in San Diego wrote the subvention bill, the original one. I fought it through this body and through the Senate, and the White House limited it to a pilot program. And the whole idea of it was that you could use Medicare at a hospital, a military hospital where you do not have large overheads. I am giving you the other side of your position, which is good, because I am trying to show you where my heart is. That because you do not have to pay for illegal aliens and children born out of wedlock and all of those things at a military hospital, you actually save Medicare dollars. I do not think they take that into account when they talk about, my side, talking about the expanded cost of it. We save Medicare dollars. It costs the military, but there needs to be a change in that.

But I want to tell you something. TRICARE, when you talk to the veterans is a Band-Aid. Subvention is a Band-Aid, even if it is expanded. Because instead of having to drive hundreds of miles just to fill a prescription, if you have a military hospital close to you, then it is okay, it is good, in the advancement of subvention. But if you live in a rural area, then you are left out.

What I want to do is work with the gentleman from Indiana and the gentleman from Mississippi and the rest of you to bring about a program of FEHBP where if you have a civilian working along with a lieutenant, the civilian at the end of the 20 years will get FEHBP supplement to Medicare and the military does not. If we will provide subvention along with that, but I do not know what that mix is.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, the bill does provide very properly and excellently, I think, for other ways to obtain prescription as opposed to just going to military hospitals.

Mr. CUNNINGHAM. I understand that. But I want to tell you, if we jump off into this, we may prevent in the future with this commission looking at what we could do to help everybody, not just the people that live next to a hospital. And that is my goal. I want to fight for that, and I want to work with the gentleman. But we cannot on this basis.

Mr. TAYLOR of Mississippi. Mr. Chairman, in addition to the broad base of congressional support, the Taylor amendment has been endorsed by the Military Coalition, a group of 24 veterans groups; the National Military Veterans Alliance; the Retired Officers Association; and the Retired Enlisted Association. It has also been endorsed by the gentleman from New Jersey (Mr. ANDREWS) to whom I yield 2 minutes.

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time. I rise in opposition to the amendment and in strong support of his proposal. This country made a promise to its veterans of lifetime quality health care. I know both of the contestants in this debate are honorable people that want to meet that objective. I believe that the gentleman from Mississippi's approach is absolutely the right way to do it. That promise did not say that you get lifetime quality health care on conditions.

There are veterans in this country that are about to turn 65 who want to continue their care at a veterans health facility and have Medicare pay for it. That is the way they have chosen to have that promise honored. But the promise did not say that it will be honored if you are lucky enough to live near one of those 14 places. The promise did not say that the promise would be honored if one of those 14 places has a major medical center. The promise did not say you would have to wait for over 2 years if you live in one of the new places, and it did not say that the promise expires in 2003. It says it for keeps and forever.

At a time when the country is bringing in about $1.05 in revenue for every $1 we spend, I believe the money is here. I think this is a question of will, not fiscal ability. I believe that there is both Republicans and Democrats that will be supportive of the gentleman from Mississippi's approach. I think the right way to do that is to reject the amendment before us and strongly support the gentleman from Mississippi's approach which I do.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank all my colleagues, the gentleman from Mississippi, the gentleman from Indiana, all of the folks that have spoken on this important issue, because I think together you are all a great team and we have come a long ways.

With respect to the gentleman from Maryland (Mr. BARTLETT) talking about the promises that were made and the brochures that were distributed, I just want to let my colleagues know that when I went down to the post office and signed up to go to Vietnam, all they told me was ''get on the bus,'' but I know that promises were made and extended to American veterans and retirees deserve that reciprocity and that trust.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM) so he can finish his statement. He is the father, at least in my mind, of subvention, and he did a lot of great work on it in the early times.

Mr. CUNNINGHAM. I thank the gentleman from California for yielding.

Mr. Chairman, if anybody should know the merit of this bill, it is the originator of the bill and what it stands for and what we can and cannot do with it. I want to use part of the subvention in whatever we go forward with. But my fear is if we go ahead with this, we may prevent an overall support for a bill that is going to help all veterans.

I want to tell you something. We told you that when you voted to go into Somalia, we have spent $2.4 billion into Haiti. We went to Iraq, we went to Sudan and bombed an aspirin factory with the White House, and all of these things, $200 billion. We could have more than paid for all of this. But yet, your liberal left on the Democrat side, oh, we need to go into Haiti, we need to go into Somalia, we need to go into all these other places. We said there would be a cost. I do not care so much about the cost of this that I want to take care of the veterans, but there is limited dollars in what you do.

Mr. HUNTER. I thank the gentleman. We have a limited amount of time. I thank him for his championing of the subvention system. Let me just say to my colleagues that we have the three options, FEHBP and supplemental and subvention. Let us give them all a chance. Let us go with Buyer.

Mr. TAYLOR of Mississippi. Mr. Chairman, again in addition to the Military Coalition, the National Military Veterans Alliance, the Retired Officers Association, the Retired Enlisted Association who have all come out in favor of the Taylor amendment is the Colonel from the Tennessee National Guard, the gentleman from Tennessee (Mr. TANNER) to whom I yield 2 minutes.

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from Mississippi for yielding me this time and I want to urge the defeat of this amendment. This is not hard. We have made promises to people who have given their productive lives to the uniformed service of this country. This is an attempt to partially fulfill that. The money we are talking about is within the caps. There is absolutely, in my mind, no good reason that we cannot at least partially fulfill what we told people that we would do as a Nation, as a grateful Nation for their service to this country.

Now, you talk about the liberal left, somebody said, about limited dollars. Yes, there are limited dollars around here.

□ 1845

But it is not too limited that we cannot vote for a $800 billion tax cut. This is about priorities. Are you for a tax cut, or are you for doing what we told veterans who gave their productive lives to this country we would do for them when they got through? It is not hard, it is not complicated; it is within the budget caps, it ought to be done, and this amendment ought to be defeated.

Mr. BUYER. Mr. Chairman, I wondered how long it would take before we get a little politics involved in the issue. I thank the gentleman from Mississippi (Mr. TAYLOR).

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), one of our true American heroes.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Chairman, I appreciate the position on both sides, and I thank the gentleman from Indiana (Mr. BUYER) for offering this amendment.

As a veteran and former prisoner of war, I support ensuring veterans have access to the best health care our Nation has to offer. The amendment before us would extend Medicare subvention through 2003 and allow Medicare to pay for military retirees to get the health care they need at veterans hospitals.

To suggest that we are abrogating our responsibilities to America's veterans is just plain wrong. Before we make any program permanent, we ought to make sure that all the health care needs of our veterans are being met.

We have got to do the right things by our veterans. TRICARE is not working. We are committed to this Nation's veterans and our promise of lifetime health care. Let us make sure it is right when we do it.

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

Mr. Chairman, I have the greatest respect for the gentleman from Texas (Mr. SAM JOHNSON), but if the gentleman from Texas had read the Buyer amendment, he would notice that it limits the number of sites where Medicare subvention will be allowed; it says it may be carried out, it does not say it shall be carried out, and it expires in 2003.

Quite frankly, our Nation's military retirees are tired of being told maybe, sort of, kind of, if we get around to it. The Taylor amendment says we are going to do it, we are going to fulfill the promise. The Buyer amendment says we might. It is that simple.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. SHOWS), the champion in the United States Congress as far as health care for military veterans and military retirees.

Mr. SHOWS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I appreciate the opportunity to be here to talk about something that means a lot to me and I think millions of Americans across this country, and that is being fair to our military retirees.

I have actually talked to men and women who were recruiters, who are retirees, and they hang their head in shame because they promised these other young men and women when they joined the service they would have health care for the rest of their lives if they stayed 20 years.

Mr. Chairman, just imagine yourself in a foxhole, or out fighting a war or a

conflict or something like that, and trying to help this country survive to keep us free where we can participate today, thinking when you get out, you are going to have free health care for the rest of your life, or health care access. TRICARE does not work, CHAMPUS did not work, we are trying to get subvention and what Congressman TAYLOR is trying to do now.

This is something that is important. It meets the 4 R's, as far as I am concerned. It meets the recruitment, retention, military readiness, and it is the right thing to do.

Let us think about our military retirees. I ask Members to support the Taylor amendment.

Mr. BUYER. Mr. Chairman, I have no more speakers.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would say to the gentleman from Indiana (Mr. BUYER), I have the luxury of a team that is going to win on this.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), another key member of that team, and a member of the House Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise to oppose this amendment. I have great respect and admiration for the gentleman from Indiana (Mr. BUYER) and his efforts on this committee, and I applaud those efforts.

As has been said by many of the people that have risen today, we worked very hard as a committee to come to solutions. I believe, however well intended the gentleman's solution is, that it only goes part of the way, and that the wisdom behind the amendment of the gentleman from Mississippi (Mr. TAYLOR) and the time that it allows from its inception to its fulfillment, will provide us the remedies, whether the gun has been jammed, whether the program has been crippled, to correct those problems within the system, so that we can provide for our veterans what they richly deserve, the fulfillment of the commitment and the pledge that we made to them.

Mr. BUYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 3 minutes.

Mr. BUYER. Mr. Chairman, I welcome the gentleman from Mississippi (Mr. TAYLOR). When you look at the amendment itself, when the gentleman said "what Buyer offers is a 'might,' it might happen," no. In the amendment we say in here "the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center."

So what is that? That is the National Capital region, which is Walter Reed, it is Bethesda, it is Malcolm Grow, it is Fort Belvoir. Then we also go down to the Tidewater area, that is, Portsmouth. It is Naval Hospital, it is Langley Air Force Base, it is Fort Eustis. Then we drop down to North Carolina, it is Fort Bragg. In Georgia, it is Eisenhower Medical Center. In Ohio it is Wright-Patterson Air Force Base. In Texas it is William Beaumont. In California it is Travis Air Force Base. In Hawaii it is Tripler.

Now let me address this, "Oh, this only does it part of the way, and, gee, is this really going to take care of everyone?"

Mr. Chairman, I tried to do this pie and tried to explain it to everybody. Now I am going to grab the back of the chart and I am going to do another what I say is truth in advocacy. Let me just define this for everyone. Let me show you this really quick.

When you draw the whole of the pie, cut it in half, because this half over here represents how many military Members actually live in close proximity to a medical treatment facility. Now, of that half, of the 1.4 million, Medicare subvention, if we go permanent, it only addresses 20 percent of the half, which is only 10 percent of the 1.4 million. That is only 140,000 of the military retirees that we actually take care of. Why? Because of the capacity question.

So, even in my amendment, when we expand it to the major medical centers, it makes eligible 146,000 military retirees, but we only have room at the facilities that I listed for 30,000.

Then I had the list of all the other medical treatment facilities that the gentleman from Mississippi (Mr. TAYLOR) would add. What would it add? It would then make 195,800 eligible to enroll, but, at most, there is only room for 39,000. See, we have to be very, very careful between our rhetoric and demagoguery and what this really does.

Now, I have great respect, and I will say it again, with the gentleman from Mississippi (Mr. TAYLOR), because we are going to continue to work, whatever the outcome here, as we move to conference. But I think what is extremely important for us to do as a body is all these demonstration projects, we get our arms around them all; we get our arms around them, we actually have good analysis of the data so we can deliver the plan. In the meantime, we get the pharmacy benefit and we try to make sense out of this very complex military health system that we have. That is our pursuit.

Mr. Chairman, I ask all Members to vote for the Buyer amendment.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, the Taylor amendment tells the Department of Defense to do it and we tell HCFA to pay for it. Our Nation's military retirees kept their word; we want our Nation to keep its word.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT), a recently-retired Colonel from the Army National Guard.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for standing up for so many military retirees that need help, deserve help. Let us, once and for all, keep those promises.

The Taylor amendment corrects the inequity for military retirees dropped from TRICARE at age 65, to now enable them to continue to access the TRICARE benefits at the military treatment facilities. That is what it does, and that is what we are trying to accomplish here. That is not asking too much.

I served 2 years in the regular army, and then I joined the National Guard, and I am around military people, like many of you, on a daily basis. Being a Member of Congress, I have fought, ever since I have been here for the military retirees, to stay on track and do what we said we would do and keep our promises.

The gentleman from the great State of Mississippi (Mr. TAYLOR) has stepped forward, a great champion for the military retirees, and for the defense budget and all that, and he knows the issues, and he is offering some legislation that will, once and for all, correct a lot of these problems. What it offers, more than anything, is peace of mind, and peace of mind means a lot to our military people, when they do not know about what options are available to them anymore and they see so much deterioration in veterans affairs programs.

I used to be on the Committee on Veterans Affairs, just like the gentleman from Indiana (Mr. BUYER) and others have served on it, and I know the issues.

Let us stand and support the Taylor amendment, because it is the right thing to do.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Taylor amendment and against the Buyer amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), the sponsor of this amendment.

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

Mr. Chairman, I would again like to remind everyone that the Taylor amendment has been endorsed by the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

A week from Monday we will all be honoring our veterans at Memorial Day. We are going to honor them for what they have done, the many who died, the so many who were away from

their families, who lost their sight, their limbs, their loved ones. What better way to honor our veterans than to finally say to them we are going to keep our word, we are going to fulfill the promise that was made to you the day you enlisted?

Mr. Chairman, I attended Walter Jones Sr.'s funeral, and I remember the preacher saying a quote by a man named Everett Hale, he was using it to describe Walter, Sr. He said ''I am but one, but I am one; I can't do everything, but I can do something; and those things that I can do, I should do, and, with the help of God, I will do.''

We are 435 Members of Congress, given the awesome opportunity to do what is right for our Nation's veterans. I am asking Members to step forward. We are not going to solve every problem in the world, there will still be other things. But we have the opportunity to do what is right for our Nation's military retirees, to say to them we are going to fulfill the promise at every base hospital in America, for every one of you, and it is forever. We are not going to cut you off in 4 years. We are going to keep our word.

Let us do what we can to make the world a better place. Let us fulfill our promise to our military retirees.

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

Mr. Chairman, we are charged to do our best for the people that we represent, for the people of our country. In this particular case, by voting for the Taylor amendment, unamended, we will be doing our best.

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

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Chairman, I think what we owe the American people, the veterans, the military retirees, is the truth, and I have not heard much of that here tonight. The idea that military retirees, if the Taylor amendment passes, can now go to military hospitals, and if you are Medicare-eligible, receive care, is simply not true.

□ 1900

It was not true yesterday. It is not true today. It is not going to be true tomorrow.

I heard a lot of people saying we promised the military and that we ought to deliver on the promise. What is being proposed does not deliver on the promise.

If we heard the gentleman from Oklahoma, if we really truly want to provide healthcare to all Americans and most especially veterans and military retirees, we ought to make sure they have the ability to get it where they are able to get it, as close to them as possible; not at isolated locations called military hospitals.

The whole approach of trying to say one does not have to change, notwithstanding the fact that they are a widow and they have moved away from the area that their husband served his military service in, that they have to locate a particular physical place for them to get the benefit that we promised, is 19th Century thinking. It is worse than 19th Century thinking. It is telling people we are going to deliver a hope and a promise and, in fact, shatter a belief once again.

Now I do believe there has been some enlightenment in the understanding that there needs to be a change in the way in which we honestly meet a commitment to our veterans and to our military retirees. It frankly is not the Buyer amendment. It most certainly is not the Taylor amendment, because it makes permanent a flawed system which guarantees it fails.

Now, I didn't have to speak on this. I could have sat on the sidelines but what I do not want to be done is what has been done repeatedly, and that is make a promise that cannot be delivered, because the Taylor amendment does not do it. At least we are moving forward with the Buyer amendment, and I would ask my colleagues to be responsible in moving forward.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding the balance of his time.

Mr. Chairman, I do not believe that any of the Members who have spoken here today or those of whom served dutifully on the Committee on Armed Services can claim the cornerstone of fulfilling the promise, because I believe in fact we are all working in that direction.

I also will concur with the gentleman from Missouri (Mr. SKELTON) in that we are all charged to do our best, honor the commitment. Those are all the words that all of us will use, but let us be very careful.

I am always extra cautious not to create unrealistic expectancies among populations, and here in particular the military retiree. Let us say that today we even voted to make Medicare subvention permanent. Okay. Let us do a hypothetical. We vote to make it permanent right now. None of us can go back to our districts, pound the chest and say we have now fulfilled the promise and all the military retirees are taken care of.

The reason I drew out the pie and tried to show the map is the total eligibility of military retirees next to the medical treatment facilities is about 350,000. Of that 350,000, because of the limited capacity, we can only do about 69,000, which means out of 1.4 million military retirees we are only talking about 69,000. So let us be very honest with ourselves about what we are doing here today.

It is a pilot program that is flawed at the moment. It is running a deficit to the Department of Defense of $100 million. One says, well, money does not matter. Oh, really? Go back home and say that again.

Money does matter. We have to make sure that we make the right decision, and what we have done is laid forth the methodology to deliver the care.

In 2002, when we get that report from the independent advisory council, Congress will work with OMB, work with the Department of Defense; in 2002, put together the program, make sure the $9 billion to $10 billion will be in the budget; it comes over here; in October of 2003, this question is done. It is done, but what we have done is made sure that what we do is the right thing.

We do not have the capacity today to say, well, I already know the answer; we are going to do it; we are just going to make Medicare subvention permanent. Permanent when it only addresses a small minority of individuals who are located next to a medical treatment facility?

Let us do the right thing. Let us take the time and do the analysis.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) as a substitute for the amendment 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. BUYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6(f) of rule XVIII, the minimum time for electronic voting on the underlying Taylor amendment, if ordered, will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 95, noes 323, not voting 16, as follows:

[Roll No. 206]

AYES—95

Archer	Dunn	Kasich
Armey	Ehlers	Kelly
Ballenger	Ehrlich	Kingston
Barrett (NE)	Everett	Knollenberg
Bateman	Ewing	Largent
Blunt	Fowler	LaTourette
Boehner	Gekas	Lewis (CA)
Bonilla	Gilchrest	Martinez
Brady (TX)	Gillmor	McCollum
Bryant	Goodling	McKeon
Burton	Goss	Metcalf
Buyer	Graham	Mica
Cannon	Granger	Miller, Gary
Castle	Greenwood	Ose
Chabot	Hansen	Oxley
Chenoweth-Hage	Herger	Packard
Combest	Hobson	Pease
Cook	Hoekstra	Pitts
Cox	Hostettler	Portman
Crane	Houghton	Pryce (OH)
Cunningham	Hunter	Radanovich
DeLay	Hutchinson	Regula
DeMint	Istook	Reynolds
Doolittle	Johnson (CT)	Ryun (KS)
Dreier	Johnson, Sam	Sanford

Sensenbrenner
Shays
Sherwood
Shuster
Simpson
Souder
Spence
Stark
Stearns
Stump
Sununu
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Walden
Weldon (PA)

NOES—323

Abercrombie
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Meehan
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento

□ 1927

Ms. ROS-LEHTINEN, Mrs. NORTHUP, Mrs. BIGGERT, and Messrs. SWEENEY, YOUNG of Alaska, TANCREDO, CONYERS, LAHOOD, NUSSLE, BASS, ROGERS, HYDE, MILLER of Florida, ROGAN, WELLER, CALVERT, RUSH, DIAZ-BALART, DICKEY, TERRY, WELDON of Florida, PETERSON of Pennsylvania, and HORN changed their vote from ''aye'' to ''no.''

Messrs. HOBSON, STARK, and CHABOT changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment 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 Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 10, not voting 18, as follows:

[Roll No. 207]

AYES—406

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)

Thompson (MS)	Visclosky	Weller
Thornberry	Vitter	Wexler
Thune	Walden	Weygand
Thurman	Walsh	Whitfield
Tiahrt	Wamp	Wicker
Tierney	Watkins	Wilson
Toomey	Watt (NC)	Wise
Traficant	Watts (OK)	Wolf
Turner	Waxman	Wu
Udall (CO)	Weiner	Wynn
Upton	Weldon (FL)	Young (AK)
Velazquez	Weldon (PA)	Young (FL)

NOES—10

Archer	Sanford	Stump
Buyer	Sensenbrenner	Thomas
Houghton	Shays	
Packard	Stark	

NOT VOTING—18

Ackerman	Meehan	Stupak
Campbell	Murtha	Towns
Ford	Quinn	Udall (NM)
Franks (NJ)	Rangel	Vento
Lewis (GA)	Salmon	Waters
Lipinski	Shadegg	Woolsey

□ 1934

Mr. NADLER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I include the following exchange of letters for inclusion in the RECORD.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC, May 11, 2000.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN SPENCE: Thank you for working with me in your development 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, specifically:

1. Section 341, Assistance to Local Educational Agencies that Benefit dependents of Members of the Armed Forces and Department of Defense Civilian Employees.

2. Section 342, Eligibility for Attendance at Department of Defense Domestic Dependent Elementary and Secondary Schools.

3. Section 504, ''Extension to end of calendar year of expiration date for certain force drawdown transition authorities.''

4. Section 1106, ''Pilot Program For Reengineering the Equal Employment Opportunity Complaint Process.''

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 4205, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 4205 and look forward to working with you on these issues in the future.

Sincerely,

BILL GOODLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 12, 2000.

Hon. FLOYD D. SPENCE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 4205, legislation that was ordered reported by the Committee on Armed Services on May 10, 2000.

As reported, H.R. 4205 contains language within the Rule X jurisdiction of the Committee on the Judiciary, specifically sections 543, 906, and 1101.

The Judiciary Committee staff was consulted on these provisions of the bill to the satisfaction of this Committee. For this reason, the Committee does not object to the terms of this provision, and will not request a sequential referral. However, this does not in any way waive this Committee's jurisdiction over those portions of the bill which fall within this Committee's jurisdiction, nor does it waive the Committee's jurisdiction over any matters within its jurisdiction which might be included in H.R. 4205 during conference discussions with the Senate.

Sincerely,

HENRY J. HYDE, *Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 12, 2000.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over the following sections of FY 2001 Defense Authorization Bill, H.R. 4205.

Section 518: Extension of Involuntary Civil Service Retirement Data for Certain Reserve Technicians.

Section 651: Participation in the Thrift Savings Program.

Section 723: Extended Coverage under Federal Employee Health Benefits Program.

Section 801: Extension of Authority for the Defense of Defense Acquisition Pilot Program: Reports Required.

Section 906: Organization and Management of Civil Air Patrol.

Section 1101: Employment and Compensation Provisions for Employees of Temporary Organizations Established by Law or Executive Order.

Section 1102: Restructuring the Restriction on Degree Training.

Section 1104: Extension of Authority for Civilian Employees of the Department of Defense to Participate Voluntarily in Reductions in Force.

Section 1106: Pilot Program for Reengineering the Equal Employment Opportunity Complaint Process.

Section 2939: Land Conveyance, Charles Melvin Price Support Center, Illinois.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service, procurement policy, and property disposal. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

Mr. Chairman, we appreciate your consultation with the Government Reform Committee to ensure that these provisions address the legislative goals of both Committees as well as the American taxpayer.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

Mr. LEVIN. Mr. Chairman, I support most of the provisions of the Defense Authorization Act; at the same time, I have grave concerns about the Kasich amendment that the House adopted yesterday. In my judgement, the Kasich amendment does serious harm to U.S. policy in Kosovo.

If possible, this amendment is even more misguided than a similar proposal the House rejected earlier this year when we debated the Supplemental Appropriation. The Kasich amendment conditions U.S. participation in Kosovo on whether or not our European allies meet a specified percentage of their aid pledges. All of these so-called burdensharing amendments contain the same fundamental flaw: They seek to abdicate control of U.S. policy in Kosovo to Europe. If the Kasich amendment becomes the law of the land, the decision on whether U.S. forces remain in Kosovo will not be made on the basis of whether doing so is in the best interest of our national security. Instead, the decision will be put on automatic pilot on the basis of what Europe does.

I know some Members of the House honestly disagree with U.S. policy in Kosovo. They feel we should not be there. I disagree with them, but if that's the way they feel, let's debate U.S. participation in Kosovo directly and have an up-or-down vote. Don't try to dress this up as a burdensharing amendment. The fact of the matter is that Europe is already providing 80 percent of the 46,000 NATO troops in Kosovo, Macedonia and Albania. There is no legitimate burdensharing argument that would dictate the withdrawal of U.S forces from Kosovo.

I agree with NATO Secretary-General Robinson who recently wrote that an American withdrawal from Kosovo ''risks sending a dangerous signal to the Yugoslav dictator—Slobodan Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes.'' Having prevailed in Operation Allied Force, we should not now hand Milosevic the victory he could not win on the battlefield.

The Kasich amendment would undermine peace in Kosovo and jeopardize the relationship between the United States and our NATO allies. While I will vote for the Defense Authorization today, I do with the expectation that the Kasich language will be modified in conference with the Senate.

Mr. UDALL of Colorado. Mr. Chairman, I have some serious concerns about aspects of this bill. But I will vote for it because it includes many provisions that are important for our country and for Colorado.

For one thing, today the House adopted the amendment that added a strong statement of the need for the Congress to promptly pass legislation to provide compensation and fairer treatment for workers at DOE nuclear-weapons sites who were exposed to beryllium, radiation, and other hazards. I joined with colleagues from both sides of the aisle in proposing that amendment, which is very important for the nation and especially for the many Coloradans who have worked at Rocky Flats.

Earlier, the House also approved my amendment to assist federal employees at Rocky Flats to make successful transitions to retirement or new careers as we move toward expedited cleanup and closure of the site.

In addition, the House approved the amendment by Representative KASICH and others to

condition further U.S. military involvement in Kosovo on more equitable burden-sharing by our NATO allies. I voted for that amendment because I believe our allies should keep their commitment to help us bear the load of peacekeeping in Kosovo. The United States is a great power, and as such must continue to play a leading role in global affairs. That doesn't mean, however, that we should have to carry the weight of the world on our own.

I am also glad that the House adopted the amendment by Mr. DREIER and others to reduce the current six-month waiting period for new computer export controls to a more realistic time period. I believe this is an important step toward developing an effective export control policy that protects our national security at the same time that it ensures continued U.S. technological leadership and competitiveness.

The bill would also make TRICARE's ''senior prime'' a permanent, nationwide program—a change of great importance to veterans.

However, as I said earlier, I do have serious concerns about some provisions in the bill.

First, the bill's authorized levels exceed last year's appropriated levels by $21 billion, and are $4.5 billion more than the Pentagon requested. I remain concerned that too much defense spending means not enough investment in education, health care, and the needs of our children.

Second, the bill authorizes $2.2 billion for the initial phases of a national missile defense system. I am concerned that the authorization of these funds could encourage a premature decision on the deployment of a national missile defense system. I don't believe that it is an accurate statement to say—as the bill does—that the National Missile Defense Act of 1999 entails a commitment by the President to deploy such a system. In fact, this was conditional on feasibility and on whether we are able to deploy in the context of other arms agreements. I am convinced it would be irresponsible—as well as strategically disadvantageous—for us to make a unilateral move toward an inadequately tested defensive system. Earlier this year I wrote to the President urging that he not make a deployment decision based on politics instead of on diplomacy and technical feasibility, and without weighing considerations of cost. The same holds true for Congress.

The House rejected a proposal to simply close the School of the Americas. Instead, the bill will replace it with a new military training institute that is not substantively different than the current one. I am deeply concerned that this cosmetic change is being viewed as the best we can do to clean up the School of the Americas.

I was also disappointed that the amendment Ms. SANCHEZ proposed did not pass. The amendment would have ensured equal access to comprehensive reproductive health care for all U.S. servicewomen and military dependents.

These are not trivial defects. They are real shortcomings.

Nonetheless, on balance, I think the merits of this bill as it stands outweigh its shortcomings and I will vote for its passage. It is my hope that the bill can be further improved as it moves through the legislative process.

Mr. STARK. Mr. Chairman, I oppose H.R. 4205, the Defense Authorization for Fiscal Year 2001 bill for a number of reasons. This bill spends too much for a national missile defense system that the President hasn't even determined to deploy and it seeks to keep defense contractor coffers plentiful.

H.R. 4205 authorizes $2.2 billion for national missile defense (NMD) systems when President Clinton hasn't made a decision on whether or not to deploy such a system. The President had indicated that he will make his decision later this year. But the longer he waits, the more evidence indicates that deployment is unwise.

Last month, the Congressional Budget Office (CBO) delivered a devastating blow to NMD proponents when they calculated the costs of building and operating the Administration's defenses system at almost $60 billion. For months now, the Pentagon has insisted that the cost of the Administration's system over the next six years was a modest $12.7 billion.

The Pentagon was shocked once again when a recent poll was released that national missile defense is an extremely low priority for Americans. Improving education, protecting Social Security and Medicare, and improving health care coverage are all significantly higher priorities than defense-related matters. I would much rather spend $12 billion to cover 11 million uninsured children—the cost of my MediKids bill.

While GOP feels at liberty to throw more money at the defense industry for deployment of a national missile defense, they considered my amendment unworthy of floor consideration.

I offered an amendment to H.R. 4025 that prevents the use of taxpayer funds at international air and trade shows. Unfortunately, my amendment, along with other amendments that would have saved millions of taxpayer dollars, were not made in order. This is especially egregious because the Defense Appropriations managers on the floor of the House accepted the same amendments last fall.

Currently, the Pentagon pays for incremental costs to advertise sophisticated weaponry and aircraft at international air shows and trade exhibitions. Last year, industry leaders such as Boeing, Lockheed Martin and Raytheon pawned off their wears to developing countries in Rio de Janeiro, Brazil. Lockheed pushed their high-ticket items such as the F–16, while Boeing advertised their FA/18 Super Hornet Fighter. These companies peddle their wares to countries that cannot even afford to feed their own citizens. And the U.S. government helps them to do so by subsidizing the expense at the shows.

The aircraft used during these shows and weapons exhibitions is paid for with American taxpayer dollars. The taxpayer subsidizes the cost of insurance, ramp fees, transportation to and from the show, and payment for government personnel needed to attend and monitor the show.

A conservative estimate of the total cost of taxpayer subsides is $34.2 million per year. This is a blatant form of corporate welfare and wasteful spending by the government.

My amendment prevents any further direct participation of Defense personnel and equipment at air shows unless the defense industry pays for the advertising and use of the DoD wares. The amendment prohibits sending planes, equipment, weapons, or any other related material to any overseas air show unless the contractor pays for all related expenses. If a contractor is making a profit by showing the aircraft, they will also be required to pay for the advertisement and use of the aircraft. In addition, my amendment prevents military and government personnel from lending their expertise at the show unless the contractor pays for their services during the show.

This amendment in no way prohibits the use of U.S. aircraft or other equipment in trade exhibitions. The bill simply takes the financial burden off of the American taxpayer and puts it on the defense contractor.

This is a wasteful practice that must end. It is a shame that my GOP colleagues did not agree that this was a waste of taxpayer dollars and make my amendment in order.

I urge my colleagues to stop throwing money at the defense industry and oppose H.R. 4205.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of section 535 of H.R. 4205.

At the National Memorial Cemetery of the Pacific there are 647 nameless remains of soldiers and sailors who died on December 7, 1941 as a result of the attack on Pearl Harbor. They are buried in graves marked simply ''unknown.''

H.R. 3806, which I introduced on March 1, 2000, would require that the Department of Veterans Affairs add information to the gravestones identifying the ship and the date of the death of those gallant servicemen.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, for being a cosponsor of the legislation. I appreciate his efforts, and the efforts of the ranking minority member of the Committee, Mr. SKELTON, to include language in H.R. 4205 to recognize these gallant men who gave their lives for their country.

Section 535 of the bill provides that the 74 graves containing the remains of 124 unknowns from the U.S.S. *Arizona* be marked with the name of the ship on which they served. The section is based on the validation of the research of Mrs. Lorraine Marks-Haislip of the U.S.S. *Arizona* Reunion Association and Mr. Ray Emory of the Pearl Harbor Survivors Association by the Director of Naval History. The two historians worked hard using the records of the Army and the Navy to identify the ship from which each set of unknown remains was recovered. The Director of Naval History reviewed the research and confirmed its accuracy.

I look forward to the validation of the remainder of the research of Mrs. Marks-Haislip and Mr. Emory so that the remaining graves of the unknown dead of the attack on Pearl Harbor may be properly marked as well.

Mr. BLUMENAUER. Mr. Chairman, the priorities in this bill are misplaced. For years we made commitments to military retirees that they and their families were entitled to lifetime health care. Some may argue it is too expensive but the commitment was made and people relied upon it.

We can afford to honor our commitments. We are spending too much in this bill on too many unproven technologies, duplicative systems, and Congressional add-ons. We are not spending enough on our people or on environmental remediation of past actions.

We are making a down payment totaling $2.2 billion on a national missile defense system that CBO estimated last month will cost $60 billion over the next 15 years. Many describe our current approach to national missile defense as a ''rush to failure'' that is resulting

in excessive spending on a system that has only a spotty record of success.

We don't need three brand-new advanced fighter jets. We will have military air superiority over all potential adversaries for years to come with our current planes. The combined cost of the Air Force's F–22, the Navy's F–18 E/F, and the Joint Strike Fighter will be well over $350 billion. This bill adds over $3 billion this year for weapons systems that were not requested by the Pentagon and no funds were added to the personnel account for our troops.

Before we embark on new projects, we must address our primary responsibilities of taking care of our people who serve and have served in uniform and cleaning up our environment. If in the name of politics, we can give the military money it cannot afford for projects it does not need or want, then in the name of taking care of people, we can pay the bill and do it right. In the name of national security, we must not shortchange our people or the environment.

I regret that we did not have the opportunity to consider Congressman ALLEN's amendment giving the Pentagon the flexibility to dismantle strategic nuclear missiles it no longer wants or needs. We could save billions if we were not forced to maintain our nuclear arsenal at the START I level of 6,000 strategic nuclear weapons while Russia's forces continue to decline due to aging and funding shortfalls.

I am also disappointed that the McCarthy amendment was not allowed. It eliminated language that discriminates against gun manufacturers that have entered into common-sense agreements with our government to add child safety locks to their product. The McCarthy amendment would have allowed our government to lead by example by giving our business to gun manufacturers who want to bear some part of the responsibility for the end use of their products. The fact that the leadership does not want members to vote on this issue is a sure signal that we would have prevailed. I hope the offending language will be removed in conference before the president signs this bill.

We have to ask ourselves, what is truly important? Should we spend more money on a military that is unrivaled anywhere in the world, while ignoring commitments to our military retirees and family's health care? I think not.

Mr. STUMP. Mr. Chairman, rear (now Vice) Admiral Michael Mullen, Director of Surface Warfare, testified in March before the SASC Sea Power Subcommittee that, in effect, the present absence of naval surface fire support places the lives of Marines ''at high risk.'' Commandant General James Jones testified that ''we [Marines] have been at considerable risk in naval surface fire support since the retirement of the Iowa-class battleships.'' The Navy retired these ships in 1992 even though during the Gulf War they were the only warships we had which could, and did, provide our soldiers and Marines with effective fire support. This left us with zero-capability in this critical area. As the Senate Armed Services Committee declared on July 8, 1995, our decommissioned battleships represent the Navy's ''only remaining potential source of around-the-clock, accurate high volume, heavy fire support . . . .'' This will remain true for many years to come. As we learned again from Kosovo, bad weather can effectively eliminate air support for our troops in coastal region conflicts. Without surface fire support, they could needlessly suffer heavy casualties. We simply cannot continue taking this risk. It is, therefore, imperative that two battleships be returned to active service as soon as possible to bridge this dangerous fire support gap.

Two battleships, Iowa and Wisconsin, could be reactivated and modernized for about the cost of one new destroyer. The Navy stated that they can be reactivated in 14 months. Measured against their capabilities, they are the most cost effective and least manpower intensive warships we have. The Navy solution, however, is the near term five inch ERGM program and the long term DD–21 and 155mm advanced gun programs. The Navy's unrealistic requirements for this small gun have made the intrinsically flawed ERGM an engineers' nightmare. Moreover, as Lt. General Michael Williams recently testified, ERGM will not have the lethality the Marines need. The complex, still largely notional DD–21 and AGS programs face many challenges and it could well be 12 or more years before they could be fielded. In the meantime, two reactivated battleships could buy time essential for the deliberate and ultimately successful development of the DD–21 concept. General James Jones testified that the absence of naval surface fire support would ''continue until the DD–21 . . . joins the fleet in strength.'' Probably 2020. He earlier had testified that ''DD–21 will not be able to match the Iowa-class battleships in firepower and shock effect.'' He did, however, express positive hopes for the DD–21, but later stated that ''the Corps still requires more options.'' Could any option surpass the already available battleships? It should also be noted that only the battleship is survivable enough for a close-to-shore peacekeeping forward presence, the Navy's main peacetime mission. It alone can provide us a truly menacing visual show-of-force in coastal crisis areas.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 National Defense Authorization Act. This legislation applies virtually all of the additional $4.5 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's authorization bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the federal government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, ''Those who love peace prepare for war'' is as true today as its ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the nation's wars when told to do so by the elected representatives of American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill that allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by $85 million, increasing procurement accounts by $2 billion, and increasing research and development accounts by $1.4 billion.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill removes barriers to an effective TRICARE system and generates significant savings that will be redirected to pay for future benefits. It restores pharmacy access to all Medicare-eligible military retirees, and establishes a road map toward implementation of a permanent health care program for military retirees over age 65.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow members of Congress to support the Floyd D. Spence National Defense Authorization Act Fiscal Year 2001.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 4205, the Defense Authorization for FY 2001.

I would like to thank the Chairman and the Ranking Member of the Armed Services Committee for including language I requested to be included to convey the Charles Melvin Price Support Center to the Tri-City Port District located in my congressional district in Southwestern Illinois. The passage of this language will reduce the financial burden on the Army by entering into an interim lease with the Port District. It is in the best interest of the military and the local community. By downsizing the military to convey this property we are setting a good example of peacetime benefits which will also aid in lessening future costs to the Army. I am pleased an agreement was reached to keep the military housing in the area protected. I am confident the Port District will be a good landlord as long as the military has a presence. I am hopeful an interim lease can be entered into expeditiously. While there are several small areas that will need to be worked out in conference, I strongly encourage the passage of this legislation.

However, Mr. Chairman, I was disappointed to learn this morning that Congressman SANFORD will be offering an amendment jeopardizing such conveyances. This is an amendment opposed by the committee. Not only will passage of such an amendment continue to cost the military more money on land they wish to excess, it goes against Congress' best efforts to convey such land to local governmental agencies. Many times these land conveyances offer better resources from local governments than the military may be interested in providing. In many cases the Armed Services Committee has conveyed excess property to local law enforcement agencies—property that is desperately needed in many areas.

Mr. Chairman, I strongly urge my colleagues to oppose the Sanford amendment and support final passage of the Defense Authorization bill.

Mr. LAMPSON. Mr. Speaker, I rise today in support of my amendment to H.R. 4205, the

Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, to provide assistance to a small but important museum in my district of Galveston, Texas.

The Offshore Rig Museum was opened to the public in April 1997. It is unique among museums in the United States and probably around the world because the Museum was literally created out of a jack-up drill rig, the Ocean Star. The Ocean Star was acquired by the Offshore Rig Museum, a nonprofit corporation established under the laws of Texas, and doing business as the Offshore Energy Center, in 1995. The Ocean Star was a Mobile Offshore Drilling Unit (MODU), built in 1969 at the Bethlehem Steelyard in Beaumont, Texas. The Ocean Star was designed to work primarily in the Gulf of Mexico. During its working life, the Ocean Star drilled about 200 wells. After its working life was over, the Ocean Star was acquired by the Offshore Energy Center and moved to Pier 19 in Galveston and jacked into place for its new assignment as a museum.

Since its opening in April 1997, the Ocean Star has proudly seen close to 100,000 visitors tour this glorious old rig and learn how energy resources are recovered from the world's oceans. The mission of the Museum is to chronicle the unique heritage and technological accomplishments of an industry that discovers, produces, and delivers energy resources to mankind in safe and environmentally responsible ways.

The Museum has educational programs for children as well as for adults. School children regularly tour the Museum to learn about their world's resources and special programs are offered for scouts and other groups. In addition, the Museum offers safety training for offshore workers. I commend the Executive Director of the Museum, Ms. Carol Fleming, for all her hard work in bringing the Museum to life and building its educational and outreach programs.

As a result of acquiring the Ocean Star, the founders of the Museum were forced to assume some financial obligations on an earlier drill rig they had originally acquired from a private party. The earlier drill rig, the Marine 7, was encumbered with a promissory note to the Maritime Administration (MARAD). As a non-profit organization and public Museum, the Offshore Rig Museum has not been able to raise sufficient revenues to make the payments on this note. I have consulted with the Maritime Administration, and they are agreeable to my amendment that will convey full title to the Ocean Star to the Museum and release the note under certain conditions. The Museum has agreed to all these conditions, including the agreement to return the rig to MARAD should the Museum ever stop using the Ocean Star as a museum open to the public. These conditions were worked out with Marad and I appreciate their assistance on this project.

As MARAD understands, this is probably the best use of this obsolete drill rig. The cost to MARAD of foreclosing on the note and having to store and maintain the rig in its defense reserve fleet are certainly outweighed by the benefits of keeping the rig where it is and open to the public as a museum. Numerous other obsolete vessels are proudly serving as maritime museums these days, having being conveyed with special legislation similar to my amendment. The OCEAN STAR is one more proud testament to our merchant marine and offshore energy fleet.

The Offshore Rig Museum is an important part of the Galveston skyline and community. It brings many visitors every year to Galveston and is recognized for its important contributions to education and awareness of our Gulf of Mexico resources. With this amendment, the Museum will continue to do this job proudly and enable future generations of school children to see how we recover energy from the ocean and bring it to our shores.

I thank my colleagues for their support, and especially thank Mr. BATEMAN and Mr. TAYLOR for their assistance.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of section 536 of H.R. 4205.

This section expresses the sense of Congress that the commander of the U.S.S. *Indianapolis*, Admiral (then Captain) Charles Butler McVay III was not culpable for the sinking of the heavy cruiser by a submarine on July 30, 1945. The ship sunk in 12 minutes. Of the 1,196 crew members, only 316 survived the attack and a five day ordeal being adrift at sea before being rescued.

Captain McVay was court-martialed in 1946 for the loss of his ship despite the opposition of Fleet Admiral Chester Nimitz and Admiral Raymond Spruance. The hurried court of inquiry and subsequent court marital did not provide adequate opportunity for a defense. Furthermore, information which would have exonerated Captain McVay was withheld from him.

Admiral Nimitz recognized the injustice done to Captain McVay and when he became Chief of Naval Operations, he remitted Captain McVay's sentence and restored him to active duty. Captain McVay went on to complete 30 years of active naval service and was promoted to the rank of Rear Admiral effective upon the date of his retirement.

The survivors of the U.S.S. *Indianapolis* still living today have remained steadfast in their support of the exoneration of Captain McVay.

A special word of thanks is due to Hunter Scott for pursuing the vindication of Captain McVay. Three years ago then-12 year old Hunter began his campaign to clear Captain McVay's name. He had thoroughly researched the case and concluded that the Captain was unjustly convicted. Hunter Scott should be proud of his successful effort on behalf of Captain McVay.

I support this long overdue recognition of the Congress that the court martial charges against Captain McVay were not morally sustainable and that his conviction was a miscarriage of justice.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. PEASE, having assumed the Chair, Mr. LAHOOD, 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, pursuant to House Resolution 504, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KUCINICH. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KUCINICH moves to recommit the bill H.R. 4205 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section:

SEC. . NMD SYSTEM REDUCTION.

The amount provided in section 201(4) is hereby reduced by $2,200,000,000, to be derived from funds for the National Missile Defense Program.

Mr. SPENCE. Mr. Speaker, I reserve a point of order against the motion, because we do not even have a copy of it yet. I ask that we get a copy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, today's New York Times reports that Dr. Theodore Postol, a prominent scientist at the Massachusetts Institute of Technology, says that the National Missile Defense Plan that we are considering authorizing at this moment is a hoax. He says that the Missile Defense System cannot distinguish incoming weapons from decoys.

He says in this article, in today's New York Times, that the contractors and the Department of Defense have deceptively planted the data of the tests. I want to repeat that, this article in today's New York Times says from a prominent scientist at Massachusetts Institute of Technology that contractors and the Department of Defense have deceptively manipulated the data of tests for this National Missile Defense System, which this bill will authorize $2.2 billion.

This time we know about the scandal before we vote on the money. Dr. Postol is calling on the administration to appoint an independent high-level scientific panel to investigate alleged efforts to cover up these flaws.

Why would Congress authorize $2.2 billion for more fraudulent tests on the same day that The New York Times carries this story?

I urge my colleagues to vote yes on the motion to recommit in order to give us a chance to take account of the fraud in past tests of the National Missile Defense System and to save the taxpayers billions of dollars in tests. When you have the credibility of the Pentagon and of defense contractors being called into question by a prominent scientist at the Massachusetts Institute of Technology, when this report says they are covering up flaws in data, this makes it a national security matter, because if this system cannot work, then we are telling the American people to pay $2.2 billion in the hope that somehow a system will work when there is data that has been according to this scientist when there is data that has been phonied up.

Now, this is a matter for the taxpayers, and it is a matter for national security. And if we care about national security, if we care about the taxpayers, we will vote to recommit this bill, straighten out this thing in committee and put forth a bill which is good and solid. I know a lot of good Members have done great work on this bill. It is a shame to have the bill clouded up with deception by the Pentagon and by defense contractors.

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

The SPEAKER pro tempore. Does the gentleman from South Carolina (Mr. SPENCE) insist on his point of order?

Mr. SPENCE. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

Is there a Member opposed?

Mr. WELDON of Pennsylvania. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes in opposition.

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

□ 1945

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH) is a friend of mine. He and I traveled to Vienna last year to try to write an end to the Kosovo conflict. I have respect for him. I also have respect for the members that sit on the Committee on Armed Services; the gentleman from Missouri (Mr. SKELTON); my friend, the gentleman from Virginia (Mr. PICKETT); the gentleman from Virginia (Mr. SISISKY). We went through this bill after literally hundreds of hearings over the course of the last several months and came up with a solidly bipartisan bill that passed out of committee 51 to 1. The only member that opposed the bill was a Republican who objected to the bill because of the nuclear waste provisions and the impact on his own State. In this subcommittee there were no amendments raised of this type. In fact, our effort on missile defense has continually been bipartisan.

Mr. Speaker, I know Ted Postol. I do not know whether my colleague does. I know what his feelings are on missile defense. The article in today's paper is not new. He has been arguing against missile defense since I have been in Congress. I work with Ted Postol. I try to convince him and work with him. We should not vote on a motion to recommit and end years of research and technology development because of one article in one paper that no one else, my good friend, agrees with.

There is no member of the committee that offered this amendment, and the gentleman has to respect the members of the committee that sit with us on a day-to-day basis. They are all solid members of the minority party. They are all talented people; the gentleman from South Carolina (Mr. SPRATT), the gentleman from Virginia (Mr. PICKETT), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Texas (Mr. REYES). These are people who work these issues.

We should not overturn all of the hard work of the committee because of an article in The New York Times based on a report by a scientist who has an axe to grind, who has his own initiative that he would like us to fund, by the way, in case the gentleman did not know that, called boost phase intercept.

I would suggest to my colleagues, and I would hope they would believe this as well, that this is an easy vote for all of us. I would hope all of us would join together, my Democrat friends, like the gentleman from Hawaii (Mr. ABERCROMBIE), and all of us who work together, and rousingly oppose this motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 63, not voting 19, as follows:

[Roll No. 208]

AYES—353

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott

Serrano	Strickland	Upton
Sessions	Stump	Visclosky
Shaw	Sununu	Vitter
Sherman	Sweeney	Walden
Sherwood	Talent	Walsh
Shimkus	Tancredo	Wamp
Shows	Tanner	Watkins
Shuster	Tauscher	Watts (OK)
Simpson	Tauzin	Weldon (FL)
Sisisky	Taylor (MS)	Weldon (PA)
Skeen	Taylor (NC)	Weller
Skelton	Terry	Wexler
Smith (MI)	Thomas	Weygand
Smith (NJ)	Thompson (CA)	Whitfield
Smith (TX)	Thompson (MS)	Wicker
Smith (WA)	Thornberry	Wilson
Snyder	Thune	Wise
Souder	Thurman	Wolf
Spence	Tiahrt	Wynn
Spratt	Toomey	Young (AK)
Stabenow	Traficant	Young (FL)
Stearns	Turner	
Stenholm	Udall (CO)	

NOES—63

Baldwin	Hooley	Owens
Barrett (WI)	Jackson (IL)	Paul
Blumenauer	Kind (WI)	Payne
Brown (OH)	Kucinich	Pelosi
Capuano	Lee	Rivers
Carson	Lofgren	Rush
Conyers	Lowey	Sabo
Coyne	Luther	Sanders
Davis (IL)	Markey	Sanford
DeFazio	McDermott	Schakowsky
DeGette	McGovern	Sensenbrenner
Delahunt	McKinney	Shays
Doggett	Meeks (NY)	Slaughter
Ehlers	Miller, George	Stark
Engel	Minge	Tierney
Eshoo	Moakley	Velazquez
Fattah	Nadler	Waters
Filner	Neal	Watt (NC)
Frank (MA)	Oberstar	Waxman
Gibbons	Obey	Weiner
Holt	Olver	Wu

NOT VOTING—19

Ackerman	Lewis (GA)	Stupak
Campbell	Lipinski	Towns
Cannon	Murtha	Udall (NM)
Ford	Quinn	Vento
Franks (NJ)	Rangel	Woolsey
Kasich	Salmon	
Knollenberg	Shadegg	

□ 2003

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended 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.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4205, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4205.

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

There was no objection.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on May 17, 2000, I was unavoidably detained in New York. Therefore, I missed roll call votes 190, 191, 192 and 193. I would like the RECORD to reflect that had I been here, I would have voted ''nay'' on rollcall Vote 190, ''aye'' on rollcall votes 191 and 192, and ''nay'' on rollcall vote 193.

AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Institute in Taiwan Facilities Enhancement Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as ''AIT''), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;

(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;

(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;

(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;

(5) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and

(6) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure that AIT's requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $75,000,000 to AIT—

(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

Mr. BEREUTER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. BEREUTER) is recognized for 1 hour.

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

Mr. Speaker, H.R. 3707, which this Member introduced, is an important measure that enjoys wide bipartisan support. It was considered and approved without objection by this body on March 28 of this year. The other body subsequently approved the legislation on May 2, with two modifications.

The amendments to H.R. 3707 approved by the other body are minor in nature. One unnecessary introductory paragraph that refers to the ''unofficial'' nature of U.S. relations with Taiwan is deleted. In addition, the other body added a sentence to Section 3(b) noting that if the Director of AIT certifies that certain security requirements related to construction of a new facility are not applicable on account of the special status of AIT, that he shall also certify that security considerations permit the exercise of the waiver of such requirements.

Mr. Speaker, as a newly-elected freshman Member of this body, one of the first votes this Member cast was on passage of the Taiwan Relations Acts of 1979 (TRA). For over 20 years, the TRA has guided U.S. foreign policy and demonstrated our commitment to the security and well-being of Taiwan. And, after 20 years, our unofficial relations with the people of Taiwan are

stronger, more robust, and more important than ever.

The Taiwan Relations Act established the American Institute in Taiwan, AIT, as a nonprofit corporation to conduct any and all U.S. Government programs, transactions, and other relations with Taiwan; in other words, to function as America's unofficial embassy.

The current AIT facilities, which consist largely of aging quonset huts, are grossly inadequate and were not designed for the important functions of AIT. They were built as temporary facilities almost 50 years ago and are increasingly difficult and expensive to maintain.

From the perspective of security, AIT fails miserably in its structure. AIT is surrounded by taller buildings and lacking adequate setback. Major cost-ineffective enhancements would be required to bring it into compliance with security requirements.

Because of the unique status of Taiwan, the State Department is not able under routine authority to proceed with the planning and the construction of a new facility for AIT. The legislative branch, this Congress, must specifically authorize and appropriate the necessary funds.

AIT has made a good-faith effort to set aside funds for the construction of a new office building or complex. However, this effort, while significant, will never be sufficient to meet AIT's needs. Therefore, H.R. 3707 authorizes the appropriation of $75 million for planning, acquisition and construction of a new facility for the American Institute in Taiwan (AIT).

Mr. Speaker, this body has been seized with issues involving our relations with Taiwan and the People's Republic of China. Taiwan is a shining example of political and economic development in Asia. It has made the transition to a fully functioning democracy.

Recently, Taiwan celebrated the successful conclusion of elections that, for the first time in its history, in fact the first time in Chinese history, saw the Democratic transfer of power to the opposition party. This weekend Taiwan's newly-elected president and vice president will be inaugurated.

In view of these developments, now is the appropriate time to send the message of our unshakeable, long-term commitment to America's critically important relations with Taiwan. With a new AIT facility, the United States is delivering the message that its presence will remain as long as it takes to assure that any reunification with the mainland is voluntary and as a result of peaceful means.

In the next few days, this body is likely to approve permanent normal trade relations with the People's Republic of China as part of our support for its accession into the World Trade Organization (WTO).

Similarly, this Member is confident that this body will support simultaneous accession of Taiwan to the WTO, an action that has been too long delayed. We will support the accession of the PRC to the WTO because it is in our clear national interest to do so. But, at the same time, we will be making it clear that Taiwan merits similar consideration in the WTO and must have membership in it. I would hope it will come at the same session of the WTO.

This Member wishes to express his sincere appreciation to the gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader; the gentleman from New York (Mr. GILMAN), the committee chairman; the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member, and all of those in the House and the Senate who have contributed to moving this important bill forward under unanimous consent.

Mr. Speaker, this Member supports these changes to H.R. 3707 and urges all of his colleagues to join in supporting this important legislation.

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

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3707.

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

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–241)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) 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 Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–242)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 2000.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 632

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 632, the Safe Seniors Assurance Study Act of 1999.

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

There was no objection.

VOTE AGAINST PNTR

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

Mr. WOLF. Mr. Speaker, I rise today to share with my colleagues William Safire's editorial from today's New York Times. Today, Mr. Safire writes that before Richard Nixon died, Mr. Safire had a conversation with Nixon about China. Safire asked Nixon if he had gone a bit overboard on selling the American public on the political benefits of the China deal. Nixon replied that he was not as hopeful as he had once been, saying, ''We may have created a Frankenstein.''

They are telling words from Richard Nixon, the person responsible for the so-called engagement, which has resulted in more espionage against our government, the arrest of Catholic bishops and persecution of people of faith. On his deathbed, Nixon, the architect for our present China policy said, ''We may have created a Frankenstein.''

The passage of PNTR will feed this Frankenstein that will come to haunt this country and haunt this House.

Mr. Speaker, I rise today to share with you William Safire's editorial from today's New York Times.

Today, Mr. Safire writes that before Richard Nixon died, Mr. Safire had a conversation with Nixon about China. Safire asked Nixon if they had gone a bit overboard on selling the American public on the political benefits of their China deal. Nixon replied that he was not as hopeful as he had once been, saying ''We may have created a Frankenstein.''

We may have created a Frankenstein. These are telling words coming from Nixon, the person most responsible for supposed American ''engagement'' with China . . . an engagement that over the past 30 years has refused to engage the Chinese with their gross human rights abuses, its espionage against the U.S., its proliferation of weapons of mass destruction, its plundering of Tibet.

On his deathbed, Nixon, the architect for our present China policy said ''We may have created a Frankenstein.''

Congress can prevent this Frankenstein from further atrocities and bad actions by voting against giving China permanent normal trade relations.

THE BIGGEST VOTE

(By William Safire)

WASHINGTON.—The most far-reaching vote any representative will cast this year will take place next week. It will be on the bill to permanently guarantee that Congress will have no economic leverage to restrain China's internal repression of dissidents or external aggression against Taiwan.

Bill Clinton, architect of the discredited ''strategic partnership'' with Beijing, is lobbying for H.R. 4444 as part of his legacy thing. His strange bedfellow is the G.O.P. leadership, fairly slavering at the prospect of heavy contributions from U.S. companies that want to profit from building up China's industrial and electronic strength.

Clinton has been purchasing Democratic votes one by one. The latest convert to pulling the U.S. teeth is Charles Rangel of New York, who was seduced by last week's legislation to benefit African workers at the expense of Chinese laborers in sweatshops at slave wages. He is the ranking Democrat on Ways and Means, which yesterday voted to send the any-behavior-goes bill to the House floor.

The president's tactics include frightening Americans with ''dangerous confrontation and constant insecurity'' from angry China if his appeasement is not passed.

He also divides American farmers from workers with his mantra, ''exports mean jobs.'' Of course they do; in the past decade, our trade deficit with China has ballooned from $7 billion to $70 billion. That means China's exports to the U.S. have created hundreds of thousands of jobs—in China. Clinton's trade deficit is certainly not creating net jobs for Americans.

His trade negotiator, Charlene Barshefsky, has become increasingly shrill, turning truth on its head this week by telling Lally Weymounth of The Washington Post that ''organized labor, human rights advocates and some environmentalists have aligned themselves with the Chinese army and hardliners in Beijing who do not want accession for China.''

Not to be outdone in twisting the truth and kowtowing to Communists, Republican investors and the Asia establishment assure us that only by abandoning yearly review of China's rights abuses and diplomatic conduct can we encourage democracy there.

I confess to writing speeches for Richard Nixon assuring conservatives that trade with China would lead to the evolution of democratic principles in Beijing. But we've been trading for 30 years now, financing its military-industrial base, enabling it to buy M–11 missiles from the Russians and advanced computer technology from us.

Has our strengthening of their regime brought political freedom? Ask the Falun Gong, jailed by the thousands for daring to organize; as the Tibetans, their ancient culture destroyed and nation colonized; ask the Taiwanese, who face an escalation of the military threat against them after the U.S. Congress spikes its cannon of economic retaliation.

Before Nixon died, I asked him—on the record—if perhaps we had gone a bit overboard on selling the American public on the political benefits of increased trade. That old realist, who had played the China card to exploit the split in the Communist world, replied with some sadness that he was not as hopeful as he had once been: ''We may have created a Frankenstein.''

(I was on the verge of correcting him that Dr. Frankenstein was the creator, and that he meant ''Frankenstein's monster,'' but I bit my tongue.)

To provide a face-saver for Democrats uncomfortable with forever removing Scoop Jackson's economic pressure, Clinton's bipartisan allies have cooked up a toothless substitute: a committee to cluck-cluck loudly when China cracks down and acts up. We already have a State Department annual report that does that, to no effect on a China whose transgressions have always been waived.

Human rights advocates know the smart money in Washington is betting on the appeasers. Our only hope is that the undecideds in Congress consider that unemployment in their districts will not always be under 4 percent, and that when recession or aggression bites, voters will not forget who threw away economic restraints on China.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). 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 New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN SUPPORT OF PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, American business men and women have eyed China for years, knowing that the sky is the limit when it comes to selling American-made goods and services to the world's largest market. But Americans have found it difficult to trade with China since complete access to this vast market has been vastly restricted.

In today's global marketplace, we can no longer afford any restrictions on trade with the world's largest population. We must engage China to ensure that American companies and American workers have the tools to compete with other nations now already in these markets. Remember, when America competes, we win.

Over the past year, Mr. Speaker, I have worked with the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and a number of colleagues in support of extending permanent normal trading relations with China. Back home in New Jersey, I have met with hundreds of people from the business community to encourage them to organize and help spread the word about the benefits of increased trade with China that will bring benefits to the Garden State, and I would like to discuss for a few minutes a few of these items.

First, extending permanent normal trade relations with China is a win for fairness. This agreement forces China to adhere to our rules-based trading system. Without an agreement, there are no rules and we have no say whatsoever in how China conducts its business with the rest of the world.

Secondly, it is a win for U.S. workers and businesses, Mr. Speaker. China is an incredibly important emerging market with more than a billion consumers.

Thirdly, trade with China is a win for American values inside China. Through free and fair trade, America will not only export many products and services, but we will deliver a good old-fashioned dose of our democratic values and free market ideas.

Fourthly, international trade whether it be with China or any other Nation means jobs for my State of New Jersey, and that is the bottom line, continued prosperity for all of us. Out of New Jersey's 4.1 million member workforce, almost 600,000 people statewide from main street to Fortune 500 companies are employed because of exports, imports and foreign direct investment. Currently, China ranked as New Jersey's ninth largest export destination in 1998, an increase from 13th in 1993. Our Garden State has exported $668 million in merchandise to China in 1998, more than double what was exported 5 years earlier.

With a formal trade agreement in practice, imagine the potential as access to China's vast markets is improved. Enormous opportunities exist for our State's telecommunications,

our environmental technology, our health care industry, our agriculture and food processing industries.

Fifth and finally, in the interest of world peace, it is absolutely a mistake to isolate China, a nation with the world's largest standing army, an estimated 2.6 million member force.

America's democratic allies in Asia support China's entry into the World Trade Organization because they know that a constructive relationship with China and a stable Asia offers the best chance for reducing regional tensions along the Taiwan Strait and for avoiding a new arms race elsewhere in Asia and throughout the world.

As I work to pass PNTR for China, I am fully aware of the controversies surrounding this vote. Indeed, humanitarian and environmental issues remain important to me in our dealings with China, but I refuse to believe that if we walk away from China our national interest would be better served. In fact, I am positive to do so would greatly deter from our ability and our credibility to push reform in China and around the globe.

Mr. Speaker, as General Colin Powell has said, and I quote, from every standpoint, from a strategic standpoint, from the standpoint of our national interest, from the standpoint of our trading interest and our economic interest, it serves all of our purposes to grant China this status.

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.)

INTRODUCTION OF LIVE LONG AND PROSPER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, May is Older Americans Month, a time for Americans to celebrate the many contributions our seniors have made to this country. It is also a time to reflect upon the changing look of our society and to advance policies that meet the needs of this and future generations of older Americans. By the year 2030, the number of older Americans is expected to be more than double, to 70 million, representing one-fifth of our total population. As the number of elderly Americans increases, the need for long-term home or institutional care will become even more pressing.

Are we now prepared to meet this future need? The sad fact is that neither the public nor the private sectors have adequately planned to meet this demand. In most cases, they are not aware that Medicaid requires divesting of assets and they do not understand that Medicare provides only minimal long-term care coverage. As for private insurance, it currently finances only an estimated 7 percent of long-term care expenditures.

Given America's ticking demographic time bomb, it is imperative that Congress address this issue now. That is why I rise today to introduce the Live Long and Prosper Act, which directly addresses what we must do now to help meet the needs of older Americans of the future. This comprehensive legislation builds upon the long-term care financing provisions created by the Health Insurance Portability and Accountability Act of 1996.

To better prepare the public for long-term care expenses, first the bill provides for an above-the-line income tax deduction for the cost of long-term care insurance premiums for the taxpayer, his or her spouse and dependents. It also allows employers to provide long-term care insurance coverage as part of a cafeteria plan. Surprisingly, long-term care insurance currently is not allowed under these types of employer-employee arrangements.

Third, the bill would provide a personal exemption to the more than 7 million Americans who provide long-term custodial care for a relative in their home. Together, these provisions represent a market-based solution to the ever-growing demand for long-term care services and financing. But financial incentives alone will not advance the public's understanding of the need to plan for long-term care nor will they spur public debate on what more must be done.

The Live Long and Prosper Act calls for a biannual national White House summit on long-term care. The summit will bring together experts in the fields of long-term care insurance, retirement savings, care givers and others and will be cohosted by the President and congressional leaders. Its goal is to design and develop recommendations for additional research, reforms in public policy and improvements required in the field of long-term care insurance.

The bill also directs the Department of Labor to create and maintain an outreach program, to include public service announcements, forums, educational materials, and long-term care Internet sites. The Department of Health and Human Services will conduct studies focusing on the future demand for long-term care services and public and private options to finance them.

Finally, the bill contains several other provisions designed to improve awareness of and to strengthen the process for long-term care information delivery.

Mr. Speaker, in closing, the Center for Long-term Care and Financing describes long-term care as the sleeping giant of all U.S. social problems. Demographic changes, quality of care concerns, the rising cost of nursing home care and limited public finances all cry out for action in this area and call on this body to make long-term care a top policy priority.

I believe that the Live Long and Prosper Act is a comprehensive first step in what should be a bipartisan effort to address this vital issue. I urge my colleagues to cosponsor the bill and join me in this effort.

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

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–626) on the resolution (H. Res. 505) providing for consideration of 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 House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–627) on the resolution (H. Res. 506) providing for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IN SUPPORT OF TOUGH GUN LEGISLATION AFTER THE MILLION MOMS MARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today a week after the Million Mom March to remind the Congress that even though the march is over, the cause is not. On the eve of the march, some argued that we were being rabble-rousers and troublemakers. They argued then and they still argue that we are too emotional in pulling for tough gun control legislation, common sense gun control legislation. The National Rifle Association argues that we need, and I quote, gun education and not gun legislation, end of quote.

Well, as we all know, you cannot teach a child not to be a child. We all know that children often lash out in anger, without thinking, and they later wish that the things done and said can be taken back. But once a trigger is

pulled, that bullet cannot be brought back. And those who, approximately 1 year after Columbine, still think that it is not their problem, I am here to tell you that once a bullet leaves the barrel of a gun, it does not care whether the child pulling it is rich, poor, black or white, they do not care where the child firing that gun is from, it does not care what sort of car that child's parents drive. A bullet does not care whether that child lives inside or outside of the Beltway, and a bullet does not care whether that child's mother or father is a bus driver, a lawyer or a Member of Congress.

So to the millions of mothers from all across this country who either attended or supported the Million Mom March, continue to raise your voices in support of tough common sense gun laws.

And to our critics who say that we are too emotional, I say yes, we are emotional over the gun control issue. The emotion we feel is sorrow over the senseless killing of our youth. And the emotion that I feel is frustration that we have not passed common sense gun legislation. The frustration that I feel is that we have not closed the gun show loophole, frustration that we have not required child safety locks for handguns, frustration that we have not banned the importation of large capacity ammunition magazines, and frustration that we have not encouraged the development of smart gun technology.

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In short, Mr. Speaker, I feel frustration and shame that we as a body have not heard the pleas of millions of mothers and fathers who want us to help stop the destruction of America's families.

PRESCRIPTION DRUG COVERAGE FOR SENIORS NEEDED NOW

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening again to talk about a critical issue facing all families in the United States, and particularly seniors, and that is the high cost of prescription drugs and the lack of coverage by Medicare. This is a critical issue that faces Michigan families. I hear from seniors every day about their struggles, choosing between the cost of food, being able to pay the utility bill, being able to get their medications.

Last summer I set up a hot line in Michigan asking those who had stories to tell to call and share those with me, and also for individuals to write me letters and send me copies of their prescription drug bills. I have received hundreds of those from across the state. I have begun sharing those each week on the floor of this House.

It is critical that we pass prescription drug coverage under Medicare, to modernize Medicare to cover the way health care is provided today, and do it as soon as possible, and I intend to be here and share stories every week until that happens.

We know that there are 12 percent of the population that are seniors, but seniors purchase 33 percent of all prescription drugs. Over one-third of the 39 million Medicare beneficiaries, 15.5 million people, have no prescription drug coverage at all, and millions have insufficient coverage or must pay expensive copays. So you are talking about individuals, many of whom are living on Social Security, with a small pension, who are now finding themselves in a situation where they are needing to use medications, and the costs are going up and up. What do they do? Too many of them decide, do I buy my groceries today, or can I stretch it just a little bit longer and be able to afford my medications?

On top of that, according to the Bureau of Labor Statistics, drug prices rose by 306 percent between 1981 and 1999, while the consumer price index rose 99 percent during the same period, so we are seeing drug prices going up three times as fast as the consumer price index or other kinds of products.

The price for prescription drugs is expected to be 12 to 15 percent higher than in 1999. Not only are costs rising, but the volume of prescription drug use is also increasing. The number of prescriptions is expected to increase from 3 billion today to 4 billion prescriptions by 2004.

So what we are seeing is, as more and more people are using prescription drugs, it is wonderful that we have the new discoveries and the fact we have that available, and the fact that people can live longer and healthier lives is wonderful, but we are seeing a product going up three times as fast as the consumer price index in the pricing structure, and we see too many seniors that do not have any help at all for covering the costs, even though seniors are the ones that use the most prescription drugs. It makes no sense.

We also see that prescription drug coverage now is very much a part of the way health care is provided today. When Medicare was set up in 1965, it was in-patient care, operations and prescription drugs in the hospital. Now we see most of the care being done on an outpatient basis, being done through home care or prescription drugs that allow people to avoid having surgery and to be able to live at home with their family.

This is a good thing, but only if we make sure that Medicare is modernized to cover the new way health care is provided. It is time for that to happen. It is past time for that to happen.

I would like to share now a letter from Louise Jarnac of Cheboygan, Michigan. I am very grateful that she wrote in to me and shared her comments and thoughts.

Dear Congresswoman STABENOW, I am sending three of my prescription drug bills and one of my brother's. I sure hope you can get some help for the elderly. It seems everything is more important than our health. I am 80 years old and my brother is 78 years old. These prescription drug prices take a big chunk out of our Social Security, since that is our full income. I am a widow and live alone, therefore, I have all the expenses all by myself. The last time I got my prescriptions it was $99.99 for Prevacid, this time it is $130.49. Most of the time I can't afford it and I go without until I can get it again. I think Social Security should be used for our security and not for other things.

Thank you,

LOUISE JARNAC.

Mr. Speaker, Prevacid, like another commonly known drug—Prilosec, is prescribed to inhibit gastric secretions. It is used to treat heartburn or other symptoms associated with GERD (Gastroesophageal reflux disease), ulcers, or other acid related disorders.

Without treating these symptoms, Mrs. Jarnac's condition could develop into cancer.

Furthermore, these diseases are extremely painful, and Mrs. Jarnac is unable to afford the medication on a regular basis to control the pain.

Mr. Speaker, it is time we do something about this, and make sure our seniors are not put in this position.

COMMEMORATING THE 20TH ANNIVERSARY OF THE ERUPTION OF MOUNT ST. HELENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to commemorate one of the most significant geological events in the history of our country and in my home state, the eruption of Mount St. Helens.

Twenty years ago today, on May 18, 1980, the peaceful northwest sky was rocked by an explosion comparable to that of 500 atomic bombs. The blast transformed more than 200 square miles of Pacific Northwest forest into a gray, lifeless landscape, and it triggered the largest known landslide in history, completely burying Spirit Lake and the Toutle River. Fifty-seven men and women lost their lives, hundreds of homes and cabins were destroyed, and our region incurred more than $3 billion in damage.

If you ask folks today in the Pacific Northwest for a list of the most memorable events in their lifetime, there is no question that the eruption of Mount St. Helens would rank right at the top of many lists. For that reason, I am deeply honored to come before this body today to pass on this message and to participate in today's events commemorating the 20th anniversary of the eruption of what is now a national treasure.

Mount St. Helens has always played a significant role in our region. Before the eruption, many families spent their summers at the recreation areas surrounding the mountain, where they would camp, hike and fish. In the year

before the eruption, the Forest Service estimated more than half a million people visited the Mount St. Helens/Spirit Lake area. Few people at the time realized or could have predicted the awesome, majestic, primal and dreadful power that the eruption would soon provide.

After the eruption of 1980, in 1982 the U.S. Congress created the 110,000 acre National Volcanic Monument to serve as a center for research, education and recreation. Inside the Mount St. Helens monument, the environment is left to respond naturally to the disturbance brought about by the eruption.

Now, 20 years later, the land around the mountain is slowly healing itself. Nature is covering the scars of the eruption and the native plants and animals are beginning to thrive again. Mount St. Helens is now a place where tens of thousands of visitors flock every year from across the country and from around the world to witness both the destructive power and the healing power of nature. Local residents and businesses in Clark, Skamania, Lewis and Cowlitz Counties are all present and available for visitors to enjoy this wonderful facility, and they have really responded well and transformed this region to celebrate what is now, as I mentioned earlier, a treasure.

People often ask me, what did we learn from the eruption of Mount St. Helens? Clearly, we have learned many scientific things, but I also think the eruption of Mount St. Helens has taught us two lessons that humankind too often forgets, the lessons of humility and of cooperation.

No one that remembers the sight of 400 million tons of earth and rock being thrown into the sky can fail to understand man's small place in the universe, and everyone who visits Mount St. Helens Monument today soon realizes the level of dedication, hard work and cooperation it has taken to rebuild the area and the communities.

Much of our State's growth and history, from its early exploration and settlement to the construction of the northern railroad and the massive hydroelectric system, to the creation of the national monument built on the blast site of volcanoes, are the result of a farsighted, courageous and cooperative thinking and working people.

Citizens of the Pacific Northwest, who, in the words of Captain George Vancouver, ''Attempt to enrich nature by the industry of man,'' have set aside their differences and joined forces to make our region one of the most beautiful and welcoming places in America. I am confident that those who visit Mount St. Helens this year and all of those who visit the mountain in the next 20 years will make even greater strides in reawakening the beauty of Mount St. Helens, and will make Washington State an even greater place to live, work and visit.

I invite people from throughout this country to come see what is an amazing geological marvel. You will find friendly, helpful local natives, willing to assist you, to make sure your visit is pleasurable and enjoyable, and you will see one of the most incredible sites in North America, Mount St. Helens National Volcanic Monument.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONDEMNING THE ACTIONS OF IRAN REGARDING THIRTEEN JEWISH CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, before I speak about what I want to speak about, listening to my colleague talk about 20 years to the day of the eruption of Mount St. Helens, that was May 18, 1980, and people are always amazed when they mention Mount St. Helens, and I say, ''Oh, yes, that was May 18, 1980,'' and they cannot understand how I can remember the exact date. I was married on May 18, 1980, so today is the 20th anniversary of my marriage.

I do not know if there is some kind of lesson there, but I am glad the gentleman spoke about it, because it has been a good 20 years.

Mr. Speaker, I rise today to talk about the plight of 13 Iranian Jews who are on trial in Iran in a phony trial, in a show trial, in a disgraceful trial. These people are charged with supposedly spying for the United States and Israel, and were arrested on Passover of 1999. They have been imprisoned for a year without legal representation, and they are denied the right to choose their lawyer. Their trials are going on now.

Mr. Speaker, Iran must know that it cannot hope to normalize relations with the United States, certainly, and with most of the world, as long as these phony show trials are going on. These 13 people are innocent, even though some of them have been forced to supposedly confess. The trials are closed. No one is permitted to observe, not the diplomatic community, not the Jewish community, not human rights activists, and they are being tried in revolutionary courts which are not under the control of the reformist-minded President, Khatami. In fact, it is quite apparent that these 13 Iranian Jews are pawns, pawns in a power struggle between hard-liners and moderates in Iran. Unfortunately, these people are pawns, and no one knows how this trial, this staged trial, will turn out.

We have a resolution in this House, H. Con. Res. 307, sponsored by the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), and this House would do well to pass it very quickly, condemning these trials and exposing them for what they are.

Today, unfortunately, the World Bank loaned Iran $232 million. Our government, the President and Madeleine Albright, the Secretary of State, rightfully said this was not the thing to do at the very time that these show trials are going on, and shame on the World Bank for doing this.

I think that Iran ought to understand that there is a price to pay for what they are doing, and only if the world community expresses outrage, only if we in the United States keep the focus on this trial, then perhaps, and only perhaps, these 13 innocent Iranian Jews who are being used as pawns will be ultimately set free.

□ 2045

So I think it is very, very important that we in the Congress keep the focus on this trial; that we not allow Iran to continue this sham, and that they understand again that there is a price to pay for doing these kinds of phony trials.

Jews have lived in Iran for 2,700 years. In 1979, before the so-called Iranian revolution, there were 80,000 Jews in Iran. Today there are anywhere from 25,000 to 30,000. Seventeen Jews have been executed since 1979, and the community is very much threatened. They are allowed to travel somewhat, but not allowed to travel to Israel.

So I think it is, again, very appropriate at this time that we continue to focus on this trial; that we not rest until these innocent people are set free and that the world community collectively let Iran know that there is a price to pay and there will be a price to pay if these people are harmed.

SOCIAL SECURITY AND RETIREMENT FOR WOMEN

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, what I want to do tonight is take a little bit of time to talk about, I think, an issue that is so critically important and vital to women in the United States, and that is Social Security reform.

There is a very, very important debate that is going on about the future of Social Security right now, and I think it is important that women are included in this discussion. All of America's seniors have a stake in the conversation and the debate and the discourse about Social Security, but women have the biggest stake of all in the future of the program. We need to make sure that we undertake the right kind of Social Security reform for America's women.

Since 1935, America's women have been able to count on the guaranteed

income of Social Security. I make a point here, because the bedrock and fundamental principle of Social Security is that in the retirement years there is a guaranteed income on a monthly basis for the duration of an individual's lifetime, based on the amount of work and income one made during their working years.

Since 1935, as I said, women have been able to count on that guaranteed income of Social Security. No matter what the stock market does, no matter what the state of the economy, Social Security has been there giving America's seniors the ability to live with independence and with dignity. It is, in fact, one of America's greatest success stories.

Times do change and it is clear that we need to look at how we strengthen Social Security and make sure that it is safe and secure today for America's seniors but as well for the next generations of retirees.

In 1999, there were 3.4 workers for each Social Security beneficiary, but in the year 2035 there will be only 2 workers per beneficiary. It has to be the right reform for everyone, and particularly, as I have said, for women.

Social Security is uniquely important to women because retirement is especially hard on women. My mother, who is 86 years old, once said to me, Rosa, these are supposed to be the golden years but somehow they are often the lead years. My mother was essentially expressing, I think, and giving voice to the expression of the frustration and the fear that many elderly women have.

In old age, women face all sorts of obstacles, stability and security, and without Social Security these obstacles would be even larger. Women account for 60 percent of Social Security beneficiaries even though they only make up roughly one half of the population. Three-quarters of widowed and unmarried elderly women rely on Social Security for over half of their income, and because women spend less time in the workforce than men, they are less likely to have pensions or to have been able to save and invest for their future.

So that Social Security is their bedrock. It provides women with a dignified retirement that they can rely on.

Women live longer than men. Women make less money than men in our society today; as a matter of fact, about 75 cents on the dollar. Women are also more likely to be dependents of workers and are dependent on their Social Security in their retirement years. As I said a minute ago, that women oftentimes outlive their spouses.

In my State of Connecticut alone Social Security lowers the poverty rate among elderly women from 46 percent to 8 percent, 46 percent to 8 percent. That means that Social Security lifts over 100,000 Connecticut women out of poverty through Social Security. As I have just mentioned, during their years in the workforce women earn an average of about 75 cents for every dollar that men earn. In fact, the average female college graduate earns little more than the average male high school graduate. Again, for all of these reasons, strengthening and preserving Social Security is essential to the financial stability of America's hard working women. Again, it has to be the right reform for women.

This week George W. Bush, the governor of Texas, presented us with an example of what, in my view, is the wrong kind of reform for Social Security, the wrong kind of reform which introduces risk, takes money away from Social Security, undermines the guaranteed minimum Social Security benefit, undermines the guaranteed minimum Social Security income, and leaves the retirement of America's seniors in the hands of the stock market.

In fact, when George Bush was asked whether or not, under his program, seniors could expect a guaranteed minimum income, George Bush told America's seniors, and I quote, ''maybe; maybe not.''

That is not a risk that America's seniors should be forced to take. Just let me say, because I said at the outset, one of the bedrock principles of Social Security has been this guaranteed annual income. We turn Social Security on its head if we can no longer guarantee an annual income to seniors, so that this proposal, in fact, turns that principle on its head; does not make that guarantee and in addition to that increases individual risk.

Now, the reason, one of the principal reasons, why Mr. Bush is forced to gamble with the retirement of America's seniors is because instead of using the historic budget surplus that we have, and it is historic, we have not seen a budget surplus in the last several decades, Governor Bush proposes to spend the bulk of that surplus on a trillion dollar tax cut that by all accounts, not my account, by economists, by some of the leading conservative publications, by the Wall Street Journal and others, is that its primary beneficiaries are those who are at the upper levels of the income scale, some of the wealthiest people in the United States.

Now it is all right to think about giving people a tax cut, and I am a big supporter of tax cuts, but tax cuts that focus on working middle class families and not those who are doing well. That is not to say that they should not do well or they should not receive some acknowledgment or benefit from that wealth, but at this particular moment in the history of our country that is not where we ought to direct our attention.

What we ought to do with the surplus is take this opportunity to strengthen Social Security, to strengthen Medicare, to build on Medicare with a prescription drug benefit, pay down our debt, thereby helping to lower the interest rates in this country, which directly benefits families who are struggling with mounting bills and credit cards and education loans and car loans. That is how we ought to utilize that surplus, in my view.

It is the wrong kind of reform to take this surplus and focus it in on a trillion dollar tax cut. It is wrong for America's seniors and it is especially wrong for women.

A more prudent plan would be to invest that surplus in Social Security. Let us not gamble with it, with the ups and downs of the stock market.

We have seen in recent weeks and months about the fluctuation of the stock market. If we act now to use this historic opportunity, we can use the budget surplus to pay down that debt; to use the interest to strength Social Security; to protect its solvency through the year 2050. This is a sure bet. It is a sound investment for America's future and for America's seniors.

There are two visions of Social Security's future. One of the plans strengthens Social Security by using the budget surplus to pay down the national debt, using the savings from the interest to strengthen Social Security and extend its life. The other, in my view, jeopardizes the Social Security system by using the budget surplus for a tax cut.

We are at a critical moment in a debate and dialogue, and I encourage people around the country to think about this issue, to make their voices heard on this issue.

I want to try to provide a few specifics with regard to women and Social Security. I talked about women earning an average of 75 cents for every dollar that men earn, and women earn an average of $250,000 less per lifetime than men. Three-quarters of widowed or unmarried elderly women rely on Social Security for over half of their income. Women spend less time in the workplace because they take an average of 11.5 years out of their careers to care for their families. Social Security helps to compensate for this in the following ways: Social Security provides retirement benefits that equal half of a husband's benefit. Divorced homemakers who are married for at least 10 years can also receive these benefits. For widows, Social Security provides benefits equal to 100 percent of their husband's benefits. By working parttime, women reduce the amount of funds they can put away for retirement or their eligibility for employee-provided pensions. In 1996, 49 percent of women between 25 and 44 were employed full-time, compared to 74 percent of men. That information is taken from the Institute for Women's Policy Research in a publication called the Impact of Social Security Reform on Women.

□ 2100

In 1996, almost one-third of women between 25 and 44 were employed parttime compared to less than one out of five for men. Because women do take

time out to care for their families, and because they only earn 75 cents for every $1 that men earn, women will have much less to invest in private retirement accounts.

Privatization, as has been suggested by George Bush, would cut spousal benefits by one-third, leaving many wives at near poverty level and penalizing them for taking time out of the labor force to care for their families.

This notion of privatization is very dangerous for women. While it is suggested today that there only be 2 percent of the benefits invested in private accounts, there is some information that George Bush talked about with reporters over the last couple of days that in fact could lead, that his plan could lead to complete privatization of social security. Let me just mention some of this information.

On May 17, George Bush said it was possible that workers would eventually be allowed to invest their entire social security tax, not just a portion. The Houston Chronicle reported, ''Bush on Tuesday said his plan to create private savings accounts could be the first step toward a complete privatization of social security.''

The New York Times reported, answering a question about his plan, that Mr. Bush said, ''The government could not go from one regime to another overnight. It is going to take a while to transition to a system where personal savings accounts are the predominant part of the investment vehicle. So this is a step toward a completely different world, and an important step.'' That was reported in the New York Times on May 15.

The other information here that I think, when asked the question about whether or not Americans could lose money through the plan that he proposed, he said that it was ''conceivable that a worker taking advantage of the investment accounts would get a lower guaranteed income from social security.''

The New York Times reported that, and I quote, ''Bush also refused to say how much benefits might be reduced for workers who created private investment accounts. 'That is all up for discussion,' Mr. Bush said.'' That was reported in the New York Times on May 17.

As I said earlier, as reported in the Dallas Morning News, ''Asked whether he envisions a system in which future beneficiaries will receive no less than they would have under the current system, Mr. Bush said, 'Maybe, maybe not.'''

He has also admitted that he has not accounted for trillion dollar costs in making a transition to this new program. He acknowledged that he has not fully accounted for the cost of moving from the current system to his proposed one, costs that Vice President GORE pegs at $900 billion.

It is not only the Vice President that has pegged these costs at a high rate, but we can again look to conservative publications, economists, people who understand what the transition would mean, and the millions of dollars that it would cost and billions of dollars that it would cost to make that transition.

The Washington Post reported on May 11 that, ''The plan laid out by George Bush leaves out one of the most important factors, the cost. According to a new report published by the Center for Budget and Policy Priorities, Bush's privatization plan would cost $900 billion over the first 10 years. These costs occur because the social security system must simultaneously pay out current benefits while privatization drains over 16 percent of the amount of money coming into the system. Combine this with the costs of George Bush's nearly $2 trillion tax cut, and the Bush plan will leave multitrillion dollar debts as far as the eye can see.''

The essential issue here is that there is not any question that we must do something to make sure that we strengthen and protect the social security system in the future because of what it has meant in the lives of working Americans.

Today, two-thirds of seniors rely on social security for over one-half of their income. We cannot play fast and loose with reform of the social security system. At a time when we need to make the reforms, we have a clear opportunity, given the historic surplus that we have.

In a prudent society and in a commonsense society, it makes all the sense in the world to say, let us take this opportunity to put the twin pillars of retirement security, social security and Medicare, on the path to real stability for today's people who need to take advantage of these systems and are eligible for them, and for those who come along in the future.

That is what I am trying to suggest here this evening, as well as to make the point that, particularly for women in our society, if we play fast and loose with the social security system, we will increase the ranks of poor older women.

Today one of the largest groups of our society who in their later years find themselves in poverty are older women. We should not compound that problem at this moment in our history, not when we have worked so hard and diligently to try to put our fiscal house in order.

Mr. Speaker, I call on my colleagues and I call on the American people to engage in this debate and in this discussion, and pay particular attention to what happens to women in our society as we go about trying to reform our social security system.

THE SOLVENCY OF SOCIAL SECURITY AND THE ISSUE OF HEALTH CARE AND PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I wonder if the gentlewoman from Connecticut (Ms. DELAURO) would like to enter into a discussion, if she has some time for a little bit.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I would be happy to, Mr. Speaker.

Mr. GANSKE. I think we could have a very unusual discussion tonight.

I had originally thought about talking about a case of HMO abuse that was highlighted today in the Los Angeles Times about a 74-year-old woman who died of a ruptured aortic aneurysm, and maybe if I have some time after a while I will do that.

I was very moved by your presentation on social security. I think it is a very, very important issue. There is no doubt about it, that elderly women depend on social security in order to stay out of poverty. The statistics of the gentlewoman from Connecticut are very similar to Iowa, and maybe even more so in Iowa, because Iowa has the largest number of people over the age of 85 percentage-wise of any State in the country, and the majority of those people are women and widows.

Some of them have to choose. They live on that social security check, and they are now in the situation where they have to choose between their rent and some of their medications, so prescription drugs are involved in this. I think we could agree on some facts, and so I would like to get the gentlewoman's feedback on some of this.

The Social Security Advisory Committee's report says that as the baby boomers move into retirement in about 25 years, or the baby boomers start to retire about the year 2011, at which time my group and the gentlewoman's group will be retiring at one every 8 seconds, by about the year 2025, the trust funds are empty, and we will be faced with a couple of choices based on current projected income from the social security tax, which is 12.4 percent combined for individual and from their employer.

That is, we would either need to reduce benefits by about 25 percent at that time, because of such a large number of baby boomers in retirement, or, because, as the gentlewoman pointed out I think very correctly, we will have significantly reduced numbers of workers, maybe even at the point of two workers for every retiree, then another option would be to raise the withholding, their work tax, their payroll tax. We might have to do that by as much as 50 percent.

The third option that the Social Security Advisory Committee talked about, and about a year ago offered three different scenarios, was whether in fact we could increase the rate of return on the funds that are going in.

Senator KERRY and Senator MOYNIHAN have proposed, and I have gone

around my district for the last couple of years talking about Senator KERRY's proposal and actually utilizing some of his computer programs, they have proposed essentially a payroll tax cut of 2 percent of that 12.4 percent, so that would be about a 16 to 18 percent payroll tax cut.

Part of the reason that they have done that is because, for the average working person, not the person who has invested in the tech stocks, the most taxes they pay are their payroll tax. The people that the gentlewoman and I represent that are the average workers out there, they pay more in payroll tax than they do in income tax or any other taxes.

So there is an appeal, I think a bipartisan appeal if we are looking at a tax cut, in order to direct that toward those who need it the most, and those who need it the most are the ones where the biggest part of their taxes are coming from their payroll tax.

I am just interested if the gentlewoman from Connecticut is in agreement with me so far.

Ms. DELAURO. Mr. Speaker, the gentleman's assertions at the outset about where we are going and what is important about when the baby boomers retire is accurate. I agree with that.

What I think we have to deal with is how in fact we use the issue of, again, the surplus to assist this process. And we cannot count on this, but the fact of the matter is if we continue the rate of growth that we have been at in the last several years, which has been pretty sustained, and I understand that we cannot totally rely on that, one could project that in fact that rate of growth over the next number of years could allow us to really correct the social security problem that we have with the baby boomers moving into retirement.

So there are a number of scenarios, without talking about cutting people's benefits or raising the eligible age. I think there is merit to thinking and talking about the payroll tax and cutting that back. It is up for discussion. Maybe we are in the same mode. This notion of this 2 percent that we put in these retirement accounts, my view ultimately, this winds up increasing a deficit situation that we have. It also means that at some point we have to draw on general revenues and so forth.

□ 2115

So the current proposal that is being made I find to be troubling in this sense that I have expressed on that, and I think that there is room to have a discussion on what we want to do and where we want to go on this issue.

Mr. GANSKE. I agree with the gentlewoman, let us say that you did set up personal accounts, and how you do that is open to debate, but let us say that you did that, you reduced the average payroll tax for a worker; let us, say, number one that we are not going to change the benefits for anyone over the age of 50 or 55, but let us say you set up personal accounts with 2 percent, with that 2 percent of the 12.4 percent, my point would be that that is in their name, and as Senator KERREY says, my goal is to help everyone in this country become richer.

That is an automatic increase in wealth for them, but the gentlewoman is absolutely correct. If you take 2 percent out of that 12.4 percent, that is about $1 in $6 of current revenues going into Social Security that is not in that trust fund.

Ms. DELAURO. That is right.

Mr. GANSKE. And we are in agreement on that. I think that there is a way to do a compromise on this issue, because I think Members of the Democratic side, your side and my side, would both like to see all Americans be wealthier. We probably both would like to see especially the people who are paying the most portion of their taxes in the payroll tax have some tax abatement.

The question then becomes, and this is where you are talking about the transition costs on this, and this is the $1 out of $6, that if you did this 2 percent, where would you make that up? I would suggest that the compromise on this between the parties, and we are certainly not going to work out this issue tonight, but it is something I think for people to think about, is if the economy continues to do so well and we have the surplus, then I would use part of that surplus to cover that transition costs of the payroll tax cut, so that for every dollar that you are providing for a payroll out of the $6, to go into a personal account, you replace in that trust fund with part of the surplus.

I am just curious as to what the gentlewoman would think about that.

Ms. DELAURO. Again, you can, over a certain period of time, deal with funding the credit with the budget surplus, and the gentleman could get it. There are reports out there about that, the gentleman could probably get yourself between now and 2015 where the gentleman might be able to do that, and again, the Center for Budget Priorities talks about 2015 to 2030 where the credit would be financed through spending cuts or larger deficits.

And, again, this is a proposal, a similar kind of a proposal that Martin Feldstein has made in terms of partially privatizing Social Security; by his own, estimate, the credit would be financed with higher tax revenues, which would have to be generated by higher tax rates of national savings and investment translated in terms of corporate profits, so that you are then dealing with a situation, if you will, in what we call the outyears here of either dealing with higher tax revenues or, again, some rate of national savings which there is not a guarantee of.

Mr. GANSKE. As the gentlewoman I think rightly pointed out, those outyears, the farther we get out, a lot of that will depend on exactly whether our economy continues to be as strong, what kind of economic growth, what, in essence, I am suggesting is that if we are, I think the gentlewoman, as she said, is in favor of some tax cuts, if we are looking at devoting some funds for tax cuts, why do we not devote those tax cut funds or a large portion of it to relief on the payroll tax, which is the tax which hits the average American the hardest?

I am not speaking for anyone else on the Republican side.

Ms. DELAURO. I understand that.

Mr. GANSKE. This is just purely an idea I have been tossing around in my mind and how do you do this.

Ms. DELAURO. Well, if you are going to deal with cutting back, where does the gentleman continue to be able to finance the effort, which is what is ultimately, in my mind, and when we start to talk about other proposals on Social Security, is that if the gentleman then looks at the utilization of the surplus, or the gentleman wants to do it in one way by bringing down the payroll tax.

Mr. GANSKE. I would use part of the surplus for a payroll tax.

Ms. DELAURO. That is right. But if the gentleman utilizes this in terms of where is the greater gain, I do not know, because I do not know the intricacies and where it comes out with what the gentleman is suggesting. But if you are paying down the debt and thereby reducing interest rates and costs and then utilizing, I mean, it just seems to me that in terms of overall fiscal policy, I am not an economist, that the gentleman is then dealing with a much greater financial stability by being able to pay down that debt over a period of time which has a whole variety of different ripple effects in the economy when that interest rate comes down and what people can do and what business can do, et cetera, and the whole litany of the multiplier effect on all of that. So that seems to me to be a better direction for us to head than to look at personal accounts, which, again, I think leaves people at the mercy of a stock market and whether or not they are proficient in being able to invest.

I cannot imagine, I do not know what the percentage is, but I do not know that there is a very large percentage of people who are so familiar with the stock market that they can do that, and there are those that do and those that cannot, and those that cannot will wind up dragging down those that can in terms of what they will have to make up in terms of lost dollars.

The gentleman is suggesting another alternative here, which I think reasonable people can take a look at and sort out and begin to ask some questions about.

Mr. GANSKE. My constituents back in Iowa tell me that as we look at the surplus, the number 1 thing that they want us to do with it right now is to pay down the debt, number one; number 2, to secure Medicare and Social Security; and number 3, in the context of the surplus, to do some tax relief.

And I am just suggesting tonight that there might be a solution between the Republicans and the Democrats that could come about on Social Security, too, where we focus on trying to increase the net worth of every American by letting them keep a little bit of that payroll tax, making up the difference from the surplus, as part of a tax cut, or focused on a payroll tax cut.

This, I think, gets around a lot of the debate that we have seen on where do you put that tax cut, and how the numbers exactly would work out neither the gentlewoman nor I have that data right now, because there are lots of variables that the Congressional Budget Office and others would have to look at in terms of projections for economic growth, and exactly what the dollars would be coming into the Social Security trust fund or not be there if you had that 2 percent reduction.

I am just saying that I think that Republicans and Democrats on both sides of the aisle that have some shared goals, and the number one shared goal I think is Social Security solvency; number 2, maintaining the safety net for those elderly women; number 3, helping every American become richer. I would like to see every American become a lot more wealthy; and number 4, making sure that the younger people who are coming up, the two out of which we will be supporting every one retiree in about 25 years, that we somehow or another figure this out so that we do not leave them with an overwhelming payroll tax to be supporting the gentlewoman from Connecticut and me when we are in our retirement.

I very much appreciate the gentlewoman from Connecticut for just entering into a brief colloquy with me on this. And I would be happy to yield again to the gentlewoman if she has any further remarks.

Ms. DELAURO. Well, I am pleased as well that the gentleman asked to be able to do this, because I think that there is room for discussion of the issues. Again, it is worrisome that we are, again, in two proposals that have been made in the last several days, which have captured the national attention that I think it is well worth pointing out, and again, in my view, I think one is terribly risky in this sense, as I started out my commentary, is that to somehow turn on its head the notion of this guaranteed annual income, which has been so important to people in their lives. It was not meant to be just that, the only income, but for some people, about a third of the beneficiaries of Social Security, that is the only income that they have, and to somehow tamper with that seems to be moving away from that guarantee that people have believed in.

Then the notion of the savings accounts deals with increasing individual risk, which I think, again, threatens the system. Now, are there alternate proposals that we might consider to get where we want to go in order to make sure that there is that guarantee that does not put people at risk, in which case then you can try to look at how, in fact, we can as the gentleman pointed out increase people's financial wherewithal; certainly, we ought to take a look at that.

I will tell the gentleman that in all of this, in terms of its effect on women and older women in our society, and if we do not go down this road in a very careful way about the unique situation that women find themselves in, then we are going to compound their vulnerability and increase their rate of poverty, and that is not where we want to go and what I see at the moment, in terms of a public policy direction, which has been espoused by Governor Bush, is that that, in fact, is where it leads. And I am not suggesting that is where you are and that there is not room for conversation and debate and discussion on this issue in a way that the gentleman has proposed, and there may be other ways, but it scares me.

Mr. GANSKE. I agree with the gentlewoman that we need to be very careful. And I think it will be, I hope that our parties' respective presidential candidates have a chance to be as civil to each other during a presidential debate on this important issue as we have been.

I also want to thank the gentlewoman for working so vigorously on the children's clothing issue as it relates to whether clothing can catch on fire. She has worked very diligently on trying to make sure that we have safe standards for children's clothing, and I look forward to joining the gentlewoman on this.

I would just close with this, and that is, that I think it is going to be important to talk in a reasoned fashion about where does Social Security go, with the baby boomers coming down the line, I think it is also true, though, that we will need to seek solutions and not just be reactionary and say that no change is the only way to go.

Ms. DELAURO. There has to be change.

Mr. GANSKE. I know the gentlewoman is not proposing that.

Ms. DELAURO. I thank the gentleman from Iowa, and I thank the gentleman, if I just might for one second, and I do not want to take any more of the gentleman's time, is for the gentleman's diligence, your commitment to the health of people in our country and in our society, both in your own profession as a doctor in which the gentleman has really made his own personal commitment, but the role that the gentleman has played in trying to bring us to some understanding and conclusion about patients and the decisions, medical decisions that affect their lives and your hard work on the patients' bill of rights. And I thank the gentleman.

□ 2130

Mr. GANSKE. I thank the gentlewoman from Connecticut.

Mr. Speaker, I am going to save my comments on HMOs for another night, because I am going to yield the balance of my time to my colleague from Colorado, who has important things to say, as he usually does, and so I will yield to the gentleman from Colorado.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 30 minutes as the designee of the majority leader.

POINT OF ORDER

Mr. MCINNIS. Point of order, Mr. Speaker. The gentleman, I think, yielded me the balance of his time, which I think would give me an additional 7 minutes. So I would request 37 minutes for the special order.

The SPEAKER pro tempore. Under the Speaker's guidelines, the gentleman from Iowa (Mr. GANSKE) is not allowed to yield to the gentleman, so the Chair recognizes the gentleman from Colorado (Mr. MCINNIS) for 30 minutes.

Mr. MCINNIS. I thank the Speaker for the clarification.

Good evening, colleagues. I have been listening to the discussions. I think we had a healthy discussion, where the gentleman from Iowa and the gentlewoman from Connecticut were having a discussion. But previous to that I was not quite as inspired as some might have been in regards to her attack on the policies of the Governor of the State of Texas, the Republican candidate for the Presidency, in regards to Social Security.

Now, my purpose here this evening with my colleagues is not to talk to them necessarily about partisan politics. That is not the purpose of this podium. My purpose this evening is to talk about an issue that is important and, by the way, not just important for women, it is very important for women but it is very important for young people, regardless of their sex, regardless of their ethnic background.

I tell my colleagues, we are not going to accomplish a solution for Social Security by using fear tactics. Standing up and implying that the women of this country, apart from any other segment of this country, are endangered by Social Security ignores problems that go across the sexes. These are fear tactics that are being launched against senior citizens.

The reality of it is that every one of us in these chambers, every one of us in these chambers knows that today every senior citizen, or every beneficiary of Social Security benefits who is picking up the check today will have the check next month, will have the check next year, and will have the check as long as they are entitled to that benefit. There is not, under anybody's, under anybody's study of Social Security, there is not one beneficiary today who is receiving Social Security funds, whose funds are endangered during the period of time that they are to receive those funds.

It is nothing but pure and simple fear tactics to come out here and somehow try to defend the status quo of a system that is not running well and by doing that implying that people who are on the system today are somehow going to be cut off. Imagine being a senior citizen and hearing from a person in these great halls of Congress the implication that either because they are a woman or because they are a senior citizen that somehow their benefits are somehow going to be canceled because a Republican, the Governor of the State of Texas, has come up with something that changes the status quo.

The recommendation to change the status quo comes because of one reason: Everybody in these chambers, everybody in our country admits that Social Security needs to be improved. How interesting that during the conversation of the gentlewoman from Connecticut she speaks consistently of privatization. Maybe she should speak, maybe we should all speak of personalization. Maybe we ought to look at this Social Security System and, number one, admit that it is not working right and quit being stuck on the status quo.

And by the way, this argument that, well, we are reducing the national debt. How nice, after 40 years of Democrat leadership, 40 years of Democratic leadership which drove that debt to record highs, which gave us that annual deficit. All of a sudden they have turned a new leaf: Oh, let us reduce the national debt.

Let me tell my colleagues that in my opinion what we need to do is to not look at the fear factor of Social Security. Forget the fear factor of Social Security. Play fair on this. Look at the business factor of Social Security. Let us get down with our pencils and get down there with our pads of paper and figure out how we can improve the system.

I want to give my colleagues a suggestion, a suggestion that everybody in this Chamber, every Federal employee gets to enjoy, and then I want my colleagues to ask after I bring this system out, I want my colleagues to ask why only Federal employees? Why only Congressmen and Congresswomen? Why do they get this benefit and the rest of America does not? Why are we a special class, as Federal employees? We get to choose personalization. The gentleman from Connecticut who spoke up here previously gets to choose personalization. All of us have that option as Federal employees. As Congressmen we have that option to personalize our account. Why can we not look at Social Security and compare it to the system we have?

By the way, the system we have works very well. It is not broken. My guess would be that every one of my colleagues on this floor who is eligible for what we call Thrift Savings is in it. We are in the program. And my bet is that every one of our employees are in that program. Now, it is an option to go into that program. It is also my bet that most Federal employees are in that program. Why are they in that program? Because it works. They had a choice. It works and they get some choice in the program. They get to personalize it.

That is what George W. Bush is talking about. Frankly, I compliment him. We need somebody to stand up. Social Security in an election year is one hot potato to deal with. It is tough. And here we had somebody who had the courage to stand up and put out a plan that I think is pretty bold, a plan that I think has a lot of inspiration and initiative to it.

So let me tell my colleagues a little about the kind of plan that we have here on the floor, our Federal Thrift Savings Plan. It is really broken down into two parts. As a Federal employee, and let me speak more specifically, as a United States Congressman, we get every month a certain amount of money taken out of our pay that is put in for retirement. We have no choice where that money is invested. We have no choice how that money is invested. We cannot put our hands on that money. That is the safety net. But the second option we have is what is called Thrift Savings, and that is the kind of direction that is being proposed to look at for Social Security.

Now, what does the Thrift Savings do? A Federal employee, or a Congressman, let us take myself for an example, I, SCOTT MCINNIS, have the option every month of taking a certain percentage of my salary and putting it into the Thrift Savings program. Now, once it goes into the program, my personalization really begins. At that point I get to make a choice. No one else chooses for me. My employees do not choose for me. The bureaucracy does not choose for me. I get to have a personalized account.

And I have three basic options. I can take a high-risk speculative stock investment, and in the last several years that has made an enormous return, sometimes 24 to 48 percent. I do not have the exact figure, but it is a tremendous return. I can go into a little bit lower risk with the second option, which are bonds; or I can go into a guaranteed fund, which has a low interest.

Remember, interest is based on risk. The higher the risk, the higher the rate. The lower the risk, the lower the rate. So I can go into the most conservative of the three options, and it is guaranteed, but it does not return a lot of interest.

Now, when we take a look at what we have, and what has been suggested here, I am frankly surprised that the Vice President, under his policies, although 6 months ago he was in favor of something like this, in the last week and a half, frankly because of the politics, that his policy is stick with the status quo.

My good friend, the doctor here, the gentleman from Iowa (Mr. GANSKE), and I compliment him, as being a doctor, I admire him for that background.

Mr. GANSKE. And if the gentleman, when he gets a chance, would yield for just a minute.

Mr. MCINNIS. I will in just a moment, but let me go over a few statistics that the gentleman brought up.

The gentleman before me talked about what are some of the difficulties that we face with Social Security today. What are causing some of the problems? It is pretty simple. It is demographics. In 1935, when our Social Security System was put into place, we had 42 workers for every retired person over 65. Today, as the gentleman highlighted earlier, we have three workers for every retired person.

Now, as a compliment to the health care system of this country, when Social Security was first put into place, a man could expect to live to be 61 years old, a woman could expect to be 65. But because of health care and taking better care of ourselves and so on and so forth, that has gone up tremendously. So now people are living longer. The result of this has been that throughout this period of time we have had people who have refused to make those kind of adjustments. We had elected officials who continued to defend the status quo and shove it on to the next administration.

Well, I think it is time we take a stand and say we are not going to stand for the status quo. This Social Security System owes something to the women, absolutely, but we owe it to the women and we owe it to every citizen in the United States to stand up now while the system still has a positive cash flow and make commitments to move off the status quo and improve our system. And the beauty of it is we do not have to invent something brand new. This is a trail that has been traveled. The snow has been plowed. We have this system, the Thrift Savings system currently used by every Federal employee, or at least given as an option for every Federal employee, and that system works.

In just one minute I will yield to the gentleman from Iowa, but let me ask my colleagues, and I wish I had the time to go around individually to every Member and ask them, since they get the Thrift Savings option, what is so wrong with us at least having good discussion about the people who are on Social Security or the people who will be on Social Security, our young people or now the generation behind me who is in the working place, what is wrong with asking that generation if perhaps they would not like to personalize their account? Tough answer.

I would be happy to yield to the gentleman.

Mr. GANSKE. I appreciate the gentleman's comments, and I agree with him totally that Governor Bush, to his credit, has had the courage to talk about the future retirement of the baby boomers. This is, I think, going to be a significant debate, and it should be.

In the past, any politician that would touch Social Security, it has always

been called the third rail of politics, Governor Bush deserves an awful lot of credit for the courage to talk about what are the options.

As we know from the Social Security Advisory Commission, the options are, with all the baby boomers coming down the road, we either, for those baby boomers, and we are not talking about current beneficiaries. The gentleman made that point clearly, but I want to emphasize it. We are not talking about current beneficiaries, we are talking about when the baby boomers retire.

But for the baby boomers, with our huge numbers coming down the road, the Social Security Advisory Commission has said that our options are one of three: We are either going to have to reduce benefits by 25 percent for the baby boomers, not for current beneficiaries; we are going to have to increase payroll taxes for those workers at that time, these are our children that we are talking about; or we somehow or other work to help every American in retirement be wealthier, to have some type of increased return on investment.

□ 2145

Now, that Social Security advisory commission was made up of people representing labor unions, accountants, businesses, leaders from all across the spectrum. They had three separate proposals for how you would increase the return, and they vary in some details. But all of them agreed, all three of the solutions agreed that the first two solutions were not so great, and that was to either reduce benefits or to increase taxes. And so I commend the gentleman for giving an analogy, because our thrift, the Congressional Thrift Savings Plan is equivalent to a 401(k) in the private community. And it is something that we can elect to do. And if you are wise and you are looking at your future pension requirements, you will take some of your current salary and put it into that 401(k), just like people in businesses, corporations, employees do.

But the analogy is very apt in terms of the choices that we have, because that is one of the ways in which you could set up these personal accounts in Social Security, and, that is, that, number one, the government does not own those accounts, individuals do, and that is important because you do not want the government to own half or three-fourths of the stock market. Then the government can control investment. I do not think that the government necessarily makes wise decisions in investments.

So that is important. But there are mechanisms whereby through certification of funds that can help keep the administrative costs low. That has been something that people have criticized these accounts about. There are choices that can be offered to individuals. Let us say that you are younger, maybe you want to put that account into a growth fund for a while but then as you grow older you want to be more conservative so you switch it into a bond fund. Those are things that Americans have learned to do. And I think it is correct that over extended periods of time, you gain about twice or three times the return through the market. We are just talking about, though, a small percent and we are still talking about maintaining that safety net that is very important.

Mr. MCINNIS. The gentleman made a very clear point at the very end, and, that is, on the thrift savings, there is an amount of money that goes into our retirement every month we cannot touch. That money is guaranteed. So even if on our personalized account we mess up, we still have a safety net. I would ask every one of my colleagues in here, for example, if the gentleman or I won a million dollars in the lottery and we decided consciously that we wanted to take that $1 million and invest it for our future retirement, how many of us would take that $1 million and turn it over to Social Security and say, ''Hey, why don't you take the million dollars I just won and why don't you invest it because I've got confidence that when I get 65 you're going to have that million dollars and you will have taken good care in the investment of it.'' There is not a person in this country that is going to do it.

That is why when I listened to the previous speaker, let me say with all due respect to my colleague, that you cannot maintain the status quo. The Vice President has been very clear in his position. He wants the status quo. Now, look, things have changed. We have got a new economy out there. Take a look at the State of Florida last week. The State of Florida took 650,000 State employees and said, hey, we are going to let you go into your own, essentially what is a 401(k) program. We are letting you come out. You can come out to a Corporate Life 401(k) system. They get up to eight mutual funds to invest in. Ohio and Kansas are right behind them.

The States realize this. The employees realize this. The women, the children, the workers, they realize this. It is time to take a bold move. When we speak of bold move, as the gentleman stated, we are not talking about taking all of your Social Security money and putting it in, bulk, into this. We are only allowing a transfer of 2 percent. But that is considered bold when you are dealing with the status quo.

Let me mention a couple of other things because my good friend brought them up. The program that the Governor of Texas, Mr. Bush, has proposed had several principles. You hit on a few of them but that is what that Social Security panel said was necessary. Number one, modernization must not change existing benefits for retirees or near retirees. The current retirees are not going to be impacted by this. Their future is secure. And so are the expected retirees.

Mr. GANSKE. If the gentleman will yield, the retirees, for instance, people who are 50 or 55 years or older, because we all recognize that you cannot change the system for them. They would not have sufficient time to build up additional reserves.

Mr. MCINNIS. Reclaiming my time, the window of opportunity is too narrow. That is acknowledged.

It is kind of common sense, the next thing, that the Social Security surplus must be locked away for Social Security only. As you know, when these Democrats, frankly, the leadership, had control of this budget for 40 years, they used the Social Security money for other purposes. It is the Republican bills that changed the status quo and said, wait a minute, let us put Social Security money for the purpose of Social Security. Social Security payroll taxes must not be increased. That is another condition. The government must not invest Social Security funds in the stock market, the very point the gentleman made 3 or 4 minutes ago.

Modernization must preserve the disability and survivor components. Modernization must include individually controlled personalized voluntary, and ''voluntary'' is the key word, personal retirement accounts which will augment, supplement the Social Security safety net.

I wish my colleague were here. I would say what is wrong with any one of those elements. But let me say, if we adopt any one of those single elements, we move off the status quo. You have got to be willing to save Social Security, and to improve that system you have got to put your stubbornness aside, Democrats, and be prepared to accept some of these principles. And what is wrong with any one of them? There is not one of those principles I mentioned that they would disagree with.

Let me say that I am not attempting up here to throw out partisan warfare but I am saying, there is a clear difference, and as my colleague who is a Democrat who spoke earlier, she also said there is a clear difference between the two, and I think it is important for us to distinguish between these two plans. One supports the status quo and the second says we have got to make some type of improvement. The improvement is based on those conditions I mentioned.

Again, just recapping, how many Members in here are not in thrift savings? We all enjoy thrift savings. It is a voluntary program, it is a personalized program. Likewise, how many of us in these chambers would be willing to give Social Security a million dollars of our own money to invest and plan for our retirement?

Mr. GANSKE. I think it is important to note that 6 months or so ago, President Clinton and Vice President GORE talked about a plan to utilize a portion of that payroll tax to go into personal accounts. There were some differences in terms of the mechanics that they

were talking about, but I think it is clear as we look at the demographics coming down the road that the status quo, doing nothing, just is not going to work.

Now, when we look at, let us say taking 2 percent out of that 12.4 percent and moving it into a personal account, that means that there are going to be some decreased dollars going into the Social Security trust fund for that transition. I have a hard time understanding why the Democrats who constantly talk about trying to direct tax cuts to those who need it most do not seize on this. Look, the people that we, Republicans and Democrats, both would agree need that tax cut the most, the working Americans where their payroll tax is the biggest chunk of tax they ever pay, why not give them, as Senator BOB KERREY has said, a payroll tax cut.

Mr. MCINNIS. A Democrat, by the way.

Mr. GANSKE. A Democrat. And then use part of that surplus that we all want to keep coming in, use part of that projected surplus to make up the difference. That is a tax cut. That is a tax cut for the people who need it the most. That is also helping every American who is working and paying payroll taxes become richer. As Senator BOB KERREY says, my goal is to help every American in this country become wealthier. And the way to do that is to set up these personal accounts while at the same time preserving that safety net for those who are currently in the program and for those who are coming into the program in, say, the next 10 or 15 years. And I think that you can do it. If we look at the surplus that is coming along, if we look at the projections that have been done already through CBO on plans that are like this. I just do not buy this, quote, this risky language that we hear all the time.

As the gentleman said earlier, those are scare tactics. We need to have a civil, calm discussion and try to achieve goals that are common to both sides. But I think simply saying that the status quo is the only way is not recognizing what the experts from the Social Security advisory commission are telling us. They are warning us this.

Mr. MCINNIS. One thing we should discuss with our colleagues before they join on with the Vice President and talk about how reckless and how fearful it is, remember, it is a little hypocritical for any Federal employee to talk about the Bush proposal or the committee's proposal as reckless when in fact we enjoy the benefits of the thrift savings program which does exactly what we are posing in a smaller fashion Social Security head towards.

In other words, I am not sure I have heard any complaint from any of our colleagues, and I certainly have not heard any of our colleagues calling our own thrift savings which is exactly what the gentleman is talking about but as the gentleman knows we have it in place, I have not heard any of them say this is a reckless, terrible deal. In fact, my colleagues keep asking, why can I not contribute more? We would all like to put a little more into this. This is a good idea. That is the direction that I think we are headed.

I read the Wall Street Journal, they had an editorial yesterday, and it is called Grabbing the Third Rail. The reason I reference grabbing the third rail is it talks about the hot potato. It talks about the fact it is time somebody who wants to be the leader of this country, the President of this country, step forward and take a leadership role and say, ''Look, we have got a storm out there, we can't sit at home in the harbor. Somebody's got to take their ship out there and get to the other side.''

Now, what is interesting in this particular editorial is they talked about the fact that there has been some criticism, no details, not enough details. They give four or five websites that you can go to on your computer and these websites even have a calculator built in on them, so that you can figure out what would happen to you as an individual person. I will not go through all of them although I intend to next week because I plan on giving another speech in regard to Social Security because as the gentleman and I previously discussed, it is important. But let me give one of them: socialsecurity.org/index.html. That provides a lot of the detailed information that we are talking about this evening.

I can tell the gentleman that when I mention the Vice President's policy, that policy parallels the policy of the Democratic leadership. Fortunately, not all the Democrats are agreeing with the Democratic leadership. We have a number of Democrats, including as my colleague mentioned Senator KERREY who are saying, ''Wait a minute, you can't stick with the status quo.'' Come on, let us get off these fear tactics. Let us talk about business tactics. We have to change the business model, just the same as businesses throughout our country are changing the business model to deal with the Internet. We have got to do it. This system is 65 years old. Although it is in a cash flow right now, positive cash flow, as we both know, on an actuarial basis, this deal is in trouble.

□ 2200

But we got time to save it. The beauty of what we are doing right now, our conversation today is we are not worried about a fund that is going bankrupt tomorrow. For a change, finally, for a change, you have got elected political government officials in this country talking in advance of the crisis about what to do to avert the crisis.

A lot of times the government responds after the crisis occurs. Here at least we have had the foresight for you to look at your children, myself to look at my children, and say hey, we better do some planning for these people.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the guidance given to the Chair by the majority leader, the Chair now recognizes the gentleman from Colorado (Mr. MCINNIS) for an additional 7 minutes, which is the remainder of the hour reserved for the leadership.

Mr. MCINNIS. Mr. Speaker, I yield to the gentleman from Iowa (Mr. GANSKE).

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

As I mentioned earlier this evening, for the last several years, as I have done my town hall meetings around my district, I have actually taken a computer program, run a laserpoint off it, the program I borrowed from Senator BOB KERREY, who is a Democrat, who talks about the impending age wave and the Social Security Advisory Commission's recommendations. We have had discussions across the 4th Congressional District in Iowa about this.

For 2 years at least I have been arguing that we need a presidential candidate of courage who would bring this up, who would be willing to take a risk, to have a full and public debate on where we go with probably the biggest issue that is facing our country, as well as all of the other developed countries, and that is how do we deal with the pension requirements of the baby-boomers in the next 20 to 30 years?

So we finally get a candidate like this. Governor Bush should be given a huge accolade for being willing to bring this to the forefront of the presidential debate. There is no question about it, they knew fully down in Austin, Texas, that they were taking a risk by bringing this important issue up, because this has been an issue that politicians have been afraid of.

Well, we finally have a presidential candidate who has been willing to take that risk, because this is the biggest issue facing our country in the next 25 to 30 years, and, as the gentleman from Colorado pointed out, you need time, time, to effect changes, to bring up the wealth of the average American, to make sure that the system is solvent. You cannot just take care of it when it is all of a sudden bankrupt, or else you are going to have huge shifts and significant pain, both on the part of the beneficiaries and on the part of the payees at that time.

Now is the time. This is the election to make a determination and have a debate on this issue, that we can then take into the year 2001 and say we have had this debate, and, if Governor Bush would become President, then we will have an opportunity to effect the type of changes that will be very important in order to make sure that the elderly continue to receive their benefits, in order to make sure that the young are not going to be faced with 50 percent payroll tax increases at that time.

This is hugely important, and I am immensely proud of Governor Bush for

having taken this risk, because the easiest thing to have done with his lead in the polls would be to play it safe, to just ride it out, to take into account ''Clinton fatigue'' or whatever else might enter into this election, and to bring honesty to the White House. But, instead, he has taken a bold step on this, and I am really proud that we have a candidate who has brought this to the debate, because I am sure this is going to be a major focus of debate in every presidential debate.

Mr. MCINNIS. Mr. Speaker, the gentleman is absolutely correct. The first step we have to take is, I used to practice law, and when you put on a defense, I did not do any criminal law, but even when you put on any kind of defense, it has to have some credibility. How can you stand up and credibly defend the current system that we have? How can you look at the young workers and how can the vice president and his policies and his policy for Social Security, how can he look at the women of the country or young workers and say I am going to defend the status quo, I am going to defend the current system?

You know what, it does not sell. It is not credible. I urge both sides of the aisle to get together and at least have enough courage to say, because we are beneficiaries of it, we get to use the Thrift Savings Program, that we at least have enough courage to stand out there and say, you know, what is wrong with looking at change? What is wrong with trying to suggest some improvements for the Social Security system? What is wrong with doing like Federal employees, all the Federal employees get to do, and that is personalize their accounts? What is wrong with standing up and figuring out, hey, there is a better way to do it?

We are not saying dump this system. We are saying improve this system. We are certainly not saying, as the gentleman has said, we are not saying threaten anybody currently on the system. Not at all. In fact, I think most people we talk to out there want us to improve the system. They want a system like every one of us sitting in this hall tonight are benefits of, a Thrift Savings Program. We get personalized choices, and yet we have a safety net back there. We have an obligation I think to offer this across the country. Every Federal employee gets it. What is wrong with offering it to other people?

In conclusion, I would first of all thank the gentleman for joining me this evening and look forward to further discussions with him. Number two, I think this is a very good topic for the presidential debates, because I think our next President has got to take a leadership role and put this system on a track that improves it, that puts it on a system that our young people, and even people our age, are not talking or have a fear that Social Security will not be there for them. We want a President that will give those people the comfort that that system will be there for them.

So far, frankly, so far the only candidate that has stepped out there and said ''I think I have got the system different than the status quo'' is Governor George Bush of the State of Texas.

Again, I thank my colleague for his participation this evening.

TOLERANCE OF TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, if a bill were to come before this Congress asking for the legalization of rape, torture, murder and religious persecution, it would be voted down without question. If our President were to lower the working age to 15 years old and call for 14 hour workdays, 6 days a week, the people of the United States would be outraged.

Why then do so many in this Congress seek to allow trade practices with a country that allows and encourages such atrocities? In the People's Republic of China, these types of events occur every day. This behavior is not punished by the Chinese Communist Party, but it is condoned and encouraged by this Chinese government.

Although the government of the United States obviously has no authority to stop directly this abusive behavior, we do have the ability to check on the human rights practices of the Chinese through our current trade agreement.

The U.S. State Department reports on human rights violations in China, ''Beijing's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent.'' Even with our investigations into the human rights issue, China has not changed. Even if we do not consider the $70 billion trade deficit or the threat of jobs going overseas to China, we should deny China permanent normal trade relations based on these human rights violations done and allowed by the Chinese government.

Many of the victims of government oppression in China are young children. Two of the main concerns of many U.S. citizens regarding trade with China are child labor and working conditions for all Chinese, especially young women. Chinese are used as cheap labor, often forced to work in awful conditions for abnormally long hours. They are often punished cruelly. Many are tortured brutally, some are raped by their employers.

The Chinese government acknowledges the use of child labor, and while the exact number of child workers is unknown, the number of minors out of school and in the workforce exceeds by far 10 million young people. Companies looking for cheap labor attract apprehensive students with promises of money and success. These children are forced to work in cramped spaces for long hours. Fourteen-year-olds often faint from exhaustion and heat, often working 6 days a week, 16 hours a day.

Not only do the Chinese practice and allow child labor, slave labor is also common in labor camps throughout China. Chinese citizens are kidnapped, they are forced to work, often without wages or food. These workers, often very young, often 40 of them or more, are forced to stay in makeshift houses of less than 20 square meters, with leaking roofs and rat infestation.

If the U.S. allows China to obtain PNTR, then we are accepting the outrageous treatment of laborers in China. Can we in good conscience allow this to happen in this Congress?

One of the founding principles of the United States is freedom from religious persecution. Under communist rule in China, all religious activity must be approved and registered by the government. Religious sects not approved by the government include the Falun Gong and Tibetan Buddhism. The Chinese government has fought hard to restrict both these sects. According to the Students for a Free Tibet Organization, 6,000 Tibetan monasteries and shrines have been destroyed, 600 Tibetan Buddhists are presently in jail for practicing their religion. The Chinese government banned the Falun Gong in July and put tens of thousands of its members in psychiatric hospitals and in prisons for long, long terms. Prisoners are endlessly harassed, beaten and tortured. Often the Chinese government uses hospital and prisons to silence the spiritual leaders of their country.

Not only are the spiritual leaders detained and imprisoned, but so are political party leaders. China continues to harass Taiwan with threats of bombing, simply because they held free elections and are now a Democratic Nation.

The Chinese government attempts to squelch freedom and democracy, the two basic ideals on which our country was founded. Why are we willing to throw away these ideals because of corporate greed by U.S. CEOs? If the U.S. allows China to have permanent normal trade relations, we are condoning China's outrageous denial of human rights. We would not ignore this type of criminal behavior in our own country; we should not ignore these atrocities in China.

We cannot turn our backs on the Chinese people simply because they do not inhabit our shores. We should expect no less from the countries with whom we trade than we do from ourselves. If we want to have a global economy, we should have a global morality. Can we allow the trafficking of women and children in the name of western corporate profit? Can we condone discrimination and abuse against women and minorities for profit?

Mr. Speaker, free trade with China will prove to be very costly for our values, for democracy and for our Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VENTO (at the request of Mr. GEPHARDT) for today and the balance of the month, on account of illness.

Mr. SHADEGG (at the request of Mr. ARMEY) for today after 1:30 p.m. and May 19, on account of attending daughter's high school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. FRELINGHUYSEN) to revise and extend their remarks and include extraneous material:)

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, on May 23.

ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Friday, May 19, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7687. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for programs designed to strengthen the Nation's counterterrorism efforts; (H. Doc. No. 106–239); to the Committee on Appropriations and ordered to be printed.

7688. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for the Department of Defense; (H. Doc. No. 106–240); to the Committee on Appropriations and ordered to be printed.

7689. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Annual Reporting and Disclosure Requirements (RIN: 1210–AA52) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7690. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7691. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Delegations of Authority and Organization—received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7692. 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; Effective Date of Requirement for Premarket Approval for Three Preamendment Class III Devices [Docket No. 98N–0564] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7693. 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; Reclassification and Codification of the Stainless Steel Suture [Docket No. 86P–0087] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7694. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices; Effective Date of Requirement for Premarket Approval of the Penile Inflatable Implant [Docket No. 92N–0445] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7695. 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. (Lancaster, Groveton and Milan, New Hampshire) [MM Docket No. 99–9 RM–9434 RM–9597] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7696. A letter from the Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission and Federal Trade Commission, transmitting the Commission's final rule—Joint FCC/FTC Policy Statement For the Advertising of Dial-Around And Other Long-Distance Services To Consumers [File No. 00–EB–TCD–1(PS)] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7697. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–080–FOR] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specialized Aviation Activities [Docket No. 27065, 25148 and 26620; Amendment No. 121–273] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Annual Suncoast Kilo Run, Sarasota Bay, Sarasota, FL [CGD07–00–029] (RIN: 2115–AE46) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Regulation; San Francisco Bay, California [CGD11–99–009] (RIN: 2115–AA98) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Ortega River, Jacksonville, FL [CGD 07–00–023] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: West Bay, MA [CGD01–00–018] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations: Harlem River, Newtown Creek, NY [CGD01–00–121] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Chief, Office of Regulations and Adminstrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois [CGD 08–99–069] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK [CGD17–99–002] (RIN: 2115–AF81) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08–99–071] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monticello, IA [Airspace Docket No. 00–ACE–5] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arrius 1A Series Turboshaft Engines [Docket No. 99–NE–42–AD; Amendment 39–11650; AD 2000–06–09] (RIN: 2120–AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grand Island, NE [Airspace Docket No. 99–ACE–56] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Merrimack River, MA [CGD01–99–029] (RIN: 2115–AE47) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7711. A letter from the Chief, Office of Regulation and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Sunken Vessel JESSICA ANN, Cape Elizabeth, ME [CGD01–00–120] (RIN: 2115–AA97) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7712. A letter from the the Legislative Special Assistant, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 100th National Convention of the Veterans of Foreign Wars of the United States, held in Kansas City, Missouri, August 15–20, 1999, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 106—238); to the Committee on Veterans' Affairs and ordered to be printed.

7713. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Technical Correction; Description of Gramercy, Louisiana, Boundaries [T.D. 00–27] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7714. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 2000–22] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7715. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Coverage of, and Payment for, Paramedic Intercept Ambulance Services [HCFA–1813–F] (RIN: 0938–AJ87) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1304. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; with an amendment (Rept. 106–625). Referred to the Committee of the Whole on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 505. Resolution providing for consideration of 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 (Rept. 106–626). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 506. Resolution providing for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 106–627). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. FILNER, Ms. BROWN of Florida, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Ms. BERKLEY, Ms. BALDWIN, Mrs. MEEK of Florida, Ms. PELOSI, Mr. ABERCROMBIE, Mr. BAIRD, Mr. GREEN of Texas, Mr. HOLDEN, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. SANDERS, Ms. LOFGREN, and Mr. GONZALEZ):

H.R. 4488. A bill to amend title 38, United States Code, to provide benefits for children of women Vietnam veterans who suffer from certain types of birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. REYNOLDS, Mr. UPTON, Mr. DELAY, Mr. BONILLA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. QUINN, Mr. MCHUGH, Mr. LAFALCE, Mr. HOUGHTON, Mr. SAM JOHNSON of Texas, Mr. REYES, Mr. METCALF, and Mr. YOUNG of Alaska):

H.R. 4489. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

By Mr. LAFALCE (for himself, Mr. LEACH, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. VENTO, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. SANDERS, Mr. GUTIERREZ, Mr. BENTSEN, Ms. HOOLEY of Oregon, Ms. CARSON, Ms. LEE, Mr. MASCARA, Mr. INSLEE, Mrs. JONES of Ohio, Mr. GONZALEZ, Mr. CAPUANO, Mr. FROST, Ms. ROYBAL-ALLARD, Ms. RIVERS, Mr. JEFFERSON, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, and Mr. WEYGAND):

H.R. 4490. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SMITH of Michigan:

H.R. 4491. A bill to authorize appropriations for fiscal years 2001 and 2002 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Ms. LOFGREN (for herself, Mr. HYDE, Ms. KAPTUR, Mr. STUMP, Mr. EVANS, Mr. HOUGHTON, Mr. DINGELL, Mr. BALLENGER, Mr. MOAKLEY, Mr. REGULA, Mr. HALL of Texas, Mr. SKEEN, Mr. DOYLE, Mr. SISISKY, Mr. FILNER, Mr. GILMAN, and Mr. SHAYS):

H.R. 4492. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Government Reform.

By Mr. MICA (for himself, Mr. BALLENGER, Mr. GILMAN, Mr. GOSS, Ms. GRANGER, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LATHAM, Mr. MCCOLLUM, Mr. PORTMAN, Mr. WAMP, and Mr. WOLF):

H.R. 4493. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 4494. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of West Virginia; to the Committee on Commerce.

By Mr. NETHERCUTT (for himself, Mrs. CAPPS, Mr. PORTER, and Mr. LAFALCE):

H.R. 4495. A bill to provide for coverage of all medically necessary pancreas transplantation procedures 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 Mr. SIMPSON (for himself, Mr. HANSEN, Mr. LIPINSKI, Mr. WELDON of Pennsylvania, Mr. LEWIS of Georgia, Mr. ENGLISH, Mr. SALMON, Mr. PASTOR, Mr. CANNON, Mr. RADANOVICH, Mr. YOUNG of Alaska, Mr. HERGER, Mr. GIBBONS, Mr. STUMP, Mr. SCHAFFER, Mr. HAYWORTH, and Mr. WALDEN of Oregon):

H.R. 4496. A bill to provide for the reintroduction of the Eastern Timber Wolf in the Catskill Mountains, New York, and to authorize the Secretary of the Interior to acquire lands through the Bureau of Land Management to facilitate that reintroduction; to the Committee on Resources.

By Mr. TALENT (for himself and Mr. THUNE):

H.R. 4497. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. BAKER, Mr. KUYKENDALL, Mr. PORTER, Mr. FLETCHER, and Mr. SHIMKUS):

H.R. 4498. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to enhance long-term care and to convene a National Summit on Long-Term Care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Commerce, 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.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. MILLER of Florida.

H.R. 148: Mr. CROWLEY and Mr. RILEY.

H.R. 220: Mr. DUNCAN.

H.R. 353: Mr. MARTINEZ, Mr. PAYNE, and Mr. BRADY of Pennsylvania.

H.R. 363: Ms. SANCHEZ and Ms. LOFGREN.

H.R. 460: Mr. KOLBE, Mr. DEAL of Georgia, Mr. CONDIT, Ms. RIVERS, Mr. DICKS, Mr. CONYERS, MR. GILMAN, Mr. TERRY, Mr. SCHAFFER, and Mr. ABERCROMBIE.

H.R. 488: Mr. WYNN.

H.R. 531: Mr. TAUZIN.

H.R. 632: Mr. GILMAN.

H.R. 1187: Mr. UDALL of New Mexico.

H.R. 1228: Mr. NEY and Mr. HOSTETTLER.

H.R. 1248: Mr. BOSWELL, Mr. HORN, Mr. OWENS, Mr. DEAL of Georgia, and Ms. LEE.

H.R. 1322: Mr. LAMPSON, Mr. CROWLEY, Mr. PETRI, Mr. COOK, Mr. OXLEY, Mr. SHAW, MR. WOLF, and Ms. MCKINNEY.

H.R. 1351: Mr. MILLER of Florida

H.R. 1388: Mrs. MCCARTHY of New York, Ms. BROWN of Florida, Mr. CLYBURN, and Ms. JACKSON-LEE of Texas.

H.R. 1592: Mr. BURR of North Carolina.
H.R. 1621: Mr. MOAKLEY.
H.R. 1824: Mr. HOSTETTLER.
H.R. 1899: Mr. BLUMENAUER.
H.R. 2002: Mr. DIXON and Ms. LEE.
H.R. 2316: Ms. LEE.
H.R. 2340: Mr. EVANS, Mr. HORN, and Mr. LANTOS.
H.R. 2419: Mr. GALLEGLY.
H.R. 2764: Mr. FATTAH.
H.R. 2801: Mr. LAMPSON.
H.R. 2909: Mr. BENTSEN.
H.R. 2919: Ms. KAPTUR.
H.R. 3059: Mr. GREENWOOD.
H.R. 3091: Mrs. LOWEY.
H.R. 3142: Ms. JACKSON-LEE of Texas.
H.R. 3144: Ms. DANNER.
H.R. 3180: Mr. DICKEY and Mr. COOK.
H.R. 3240: Mr. LINDER and Mr. MURTHA.
H.R. 3315: Ms. DELAURO and Mr. FROST.
H.R. 3405: Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. RANGEL, and Mr. BRADY of Pennsylvania.
H.R. 3455: Ms. VELAZQUEZ and Ms. RIVERS.
H.R. 3463: Mr. PASCRELL.
H.R. 3609: Mr. DICKEY.
H.R. 3625: Mr. QUINN, Mr. ROYCE, Mr. LUCAS of Oklahoma, Ms. DANNER, Mr. DREIER, Ms. DUNN, Mr. EVERETT, Mr. KING, Mr. LEWIS of California, Mr. MCHUGH, Mr. MCINNIS, Mr. METCALF, Mr. MILLER of Florida, Mr. NEY, Mr. OXLEY, Mr. REYNOLDS, Mr. THOMAS, Mr. WICKER, and Mr. SMITH of Texas.
H.R. 3634: Mr. BACA.
H.R. 3655: Mr. EDWARDS.
H.R. 3661: Mr. SWEENEY, Mr. SIMPSON, and Mr. ISAKSON.
H.R. 3669: Mr. CRAMER, Mr. PICKETT, Mr. HALL of Texas, and Mrs. BIGGERT.
H.R. 3688: Mr. INSLEE, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Mr. RANGEL, Mr. SERRANO, Ms. KAPTUR, Mr. WYNN, Mr. DICKS, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. OWENS, Mr. SHERMAN, Mr. PASTOR, Mr. GORDON, Mr. WEXLER, Mr. LAMPSON, Mr. SKELTON, Mr. MOAKLEY, and Mr. MORAN of Virginia.
H.R. 3692: Mr. GOODE.
H.R. 3694: Mr. HOLT.
H.R. 3766: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, and Ms. LEE.
H.R. 3825: Ms. LEE and Mr. KUCINICH.
H.R. 3826: Ms. MCKINNEY.
H.R. 3871: Mr. DICKEY.
H.R. 3872: Mr. WEYGAND and Mr. ABERCROMBIE.
H.R. 3891: Mrs. NAPOLITANO and Mr. JEFFERSON.
H.R. 3895: Mr. LATOURETTE.
H.R. 3916: Ms. JACKSON-LEE of Texas, Mr. HOEFFEL, Mrs. BIGGERT, Mr. CROWLEY, Mr. EVANS, Mr. GREENWOOD, Mr. SENSENBRENNER, Mr. BOEHLERT, Mr. CRAMER, Mr. ETHERIDGE, Mrs. JONES of Ohio, Mr. WICKER, Mr. HILLEARY, Mr. THUNE, Mr. WISE, Mr. FALEOMAVAEGA, and Mr. BARRETT of Wisconsin.
H.R. 4013: Mr. ETHERIDGE and Mr. HOYER.
H.R. 4033: Mr. COBLE and Mr. KANJORSKI.
H.R. 4049: Mr. BILBRAY and Ms. RIVERS.
H.R. 4054: Mrs. KELLY.
H.R. 4069: Mr. LAHOOD and Mr. HORN.
H.R. 4076: Mr. DICKEY.
H.R. 4094: Mr. DICKS, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. CLEMENT, Mr. JACKSON of Illinois, Mr. Thompson of Mississippi, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. BENTSEN, and Mr. SANDERS.
H.R. 4144: Mr. ADERHOLT and Mr. LUCAS of Kentucky.
H.R. 4149: Mr. OSE and Mr. CALVERT.
H.R. 4170: Mr. SCHAFFER.
H.R. 4210: Mr. EWING, Mr. FOLEY, Mr. GRAHAM, Mr. BURR of North Carolina, Mr. MICA, Mr. THURMAN, Ms. BROWN of Florida, and Ms. ROS-LEHTINEN.
H.R. 4215: Mr. COOKSEY and Mr. HERGER.
H.R. 4222: Mr. MOORE, Ms. MCKINNEY, Mr. JEFFERSON, Ms. LEE, Mr. CONYERS, Mrs. CHRISTENSEN, Mr. RANGEL, and Ms. CARSON.
H.R. 4239: Mr. EVANS and Ms. LEE.
H.R. 4259: Mr. MCINTYRE, Mrs. MEEK of Florida, Mr. SKELTON, Mr. FROST, Mr. FALEOMAVAEGA, Ms. LEE, Mrs. THURMAN, Mr. PETERSON of Minnesota, Mr. GONZALEZ, Mr. JEFFERSON, Mr. MCNULTY, Mr. ENGLISH, Mr. STUPAK, Ms. DELAURO, Mr. METCALF, Mr. BACA, Mr. PASTOR, Mr. HAYWORTH, Mr. KILDEE, Mr. MEEKS of New York, and Mr. WATTS of Oklahoma.
H.R. 4271: Mr. GREEN of Wisconsin, Mr. WALSH, and Mr. JACKSON of Illinois.
H.R. 4272: Mr. WALSH, Mr. LARSON, and Ms. LEE.
H.R. 4273: Mr. WALSH, Mr. LARSON, and Ms. LEE.
H.R. 4274: Mr. TANCREDO, Mr. VITTER, Mr. DOOLITTLE, Mr. GARY MILLER of California, Mrs. BONO, Mr. HAYES, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. BASS, Mr. RILEY, Mr. MCINTOSH, Mr. DAVIS of Virginia, Mr. WICKER, Mr. HILLEARY, Mr. NORWOOD, Mr. TALENT, Mr. BILIRAKIS, Mr. REYNOLDS, Mr. PITTS, Mrs. MORELLA, Mr. JONES of North Carolina, Mr. ISAKSON, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. HASTINGS of Washington, Mr. HUNTER, Mr. GEKAS, Mr. GIBBONS, Mrs. BIGGERT, Mr. WAMP, Mr. WOLF, Mr. SAXTON, Mr. COOKSEY, Mr. LEACH, Mr. GOSS, Mr. ROHRABACHER, Mr. BACHUS, and Mr. WALDEN of Oregon.
H.R. 4289: Mr. MCGOVERN, Mr. MICA, Mr. CLYBURN, Mr. WEYGAND, Mr. ENGEL, Mrs. THURMAN, Mr. PAYNE, Mr. NEY, Mr. DIXON, Mr. DELAHUNT, and Mrs. NAPOLITANO.
H.R. 4292: Mr. HYDE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. HOEKSTRA, and Mr. TERRY.
H.R. 4301: Mr. EHRLICH, Mr. WHITFIELD, and Mr. PAUL.
H.R. 4320: Mr. TIERNEY, Ms. PELOSI, Mr. MCGOVERN, Mrs. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. GEJDENSON, Mr. LANTOS, and Mr. HINCHEY.
H.R. 4374: Mr. GONZALEZ.
H.R. 4380: Mr. HOEFFEL and Mr. GEPHARDT.
H.R. 4395: Mr. CARDIN and Mrs. KELLY.
H.R. 4421: Mr. STUMP, Mr. LUCAS of Oklahoma, Mr. HULSHOF, Mr. HEFLEY, Mr. HALL of Texas, Mrs. EMERSON, Mr. THUNE, Mr. POMBO, Mr. BERRY, Mr. COOKSEY, Mr. GOODE, Mrs. CUBIN, Mr. HILL of Montana, Mr. PETERSON of Minnesota, Mr. BOYD, Mr. TRAFICANT, Mr. ROGAN, Mr. WATTS of Oklahoma, Mr. KINGSTON, Mr. GIBBONS, Mr. MORAN of Kansas, Mr. COMBEST, Mr. GREEN of Wisconsin, Mr. THORNBERRY, Ms. GRANGER, Mr. SAM JOHNSON of Texas, Mr. COBURN, Mr. ISAKSON, Mr. TERRY, Mr. MCCOLLUM, Mr. LARGENT, Mr. RYAN of Wisconsin, Mr. SKEEN, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, Mrs. CHENOWETH-HAGE, Mr. JONES of North Carolina, Ms. DANNER, Mr. BRYANT, Mr. WAMP, Mr. BEREUTER, Mr. BOSWELL, Mr. HALL of Ohio, Mr. JENKINS, Mr. RILEY, Mr. COBLE, Mr. FLETCHER, Mr. DEMINT, Mr. EWING, Mr. TANNER, Mr. HYDE, and Mr. TALENT.
H.R. 4427: Mrs. JONES of Ohio and Ms. CARSON.
H.J. Res. 55: Mr. COOK.
H.J. Res. 56: Mr. LANTOS and Mr. WEINER.
H.J. Res. 98: Mr. STUMP and Ms. CARSON.
H. Res. 414: Mrs. FOWLER and Mr. DAVIS of Illinois.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 632: Mr. DAVIS of Illinois.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. __. The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

H.R. 4461

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: Page 13, line 17, insert ''(reduced by $200,000)'' before '', of which''.

Page 13, line 24, insert ''(reduced by $200,000)'' before ''; for''.

H.R. 4461

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: Page 37, line 10, insert ''(reduced by $2,000,000)'' before '', to remain available''.

Page 37, line 11, insert ''(reduced by $2,000,000)'' before '', shall be for''.

Page 38, line 3, insert ''(reduced by $2,000,000)'' before ''shall''.

H.R. 4475

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 49, line 14, strike ''$980,000'' and insert ''$450,000''.

H.R. 4475

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: Page 49, line 14, strike ''$980,000'' and insert ''$750,000''.

H.R. 4475

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 3: After section 340 of the bill insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses.

H.R. 4475

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 4: Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses, except those buses powered by engines which have emission levels comparable to, or lower than, emission levels from buses powered by low-polluting fuels, including methanol, ethanol, propane, and natural gas.

H.R. 4475

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 5: Page 30, line 2, after ''Long Island Railroad East Side access project'' insert ''and the 2nd Avenue Subway with the determination of allocation of such funds being made by the New York Metropolitan Transportation Authority''.

H.R. 4475

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 6: At the end of the bill, add the following new section:

SEC. 341. Notwithstanding any other provision of this Act, no funds may be made available to the Administrator of the Federal Aviation Administration under this Act before the Administrator—

(1) reclassifies the pay classification of each air traffic controller who, after August 31, 1997, left employment at an interim incentive pay facility for other employment as an air traffic controller and who returned after October 1, 1998, to employment as a reentrant at such a facility, such that the controller's pay classification is equal to the pay classification the controller would have

if the controller had never left such facility; and

(2) pays to each such controller the amount of any difference between the salary that the controller earned after leaving the interim incentive pay facility and the salary the controller would have earned if the controller had never left such facility.

H.R. 4475

OFFERED BY: MR. OLVER

AMENDMENT NO. 7: In title III of the bill, strike section 318 and redesignate subsequent sections accordingly.

H.R. 4475

OFFERED BY: MR. ROGAN

AMENDMENT NO. 8: Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.

H.R. 4475

OFFERED BY: MR. TERRY

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to finalize or implement the proposed rule entitled ''Hours of Service of Drivers'' published by the Federal Motor Carrier Safety Administration in the Federal Register on May 2, 2000 (65 Fed. Reg. 25539 et seq.).