The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

WE MUST USE OUR NATURAL RESOURCES IN AN ENVIRONMENTALLY BALANCED WAY

The SPEAKER pro tempore (Mr. MORAN of Kansas). Under the Speaker’s announced policy of January 19, 1999, the gentleman from Tennessee (Mr. DUNCAN) is recognized during morning hour debates for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the forest fires in Los Alamos and Nevada have highlighted what may have become a much bigger problem. One of the subcommittees on which I serve is the Subcommittee on Forest and Forest Health of the Committee on Resources.

We heard testimony a few months ago that almost 40 million acres of Federal land out West was in imminent danger of catastrophic forest fires. This is because environmental extremists fanatically, sometimes even violently, oppose cutting any trees in our national forests.

Forestry experts tell us that we have to cut some trees to have healthy forests, yet some of these extremists oppose even the removal of dead and dying trees, thus causing huge fuel buildsups on the floors of these forests, leading to forest fires.

The Los Alamos fire was a so-called controlled burn set by Federal bureaucrats that simply got out of control. Of course, we all know that no Federal bureaucrat has ever made a mistake, or at least one that they have been held accountable for.

The leading environmental extremist, Secretary Babbitt, said on television last week that our forests are now 100 times more dangerous than they were 100 years ago, but it is because of the very policies that he has been advocating. If we do not start cutting more trees in the national forests soon, then in the very near future we are going to see forest fires that make the Los Alamos disaster look like peanuts in comparison.

Yet some of these environmental extremists want the forests to be thinned only by forest fires because that is the “natural way,” and the way it occurred before man started populating the Earth, and, according to the extremists, messed things up.

Last year in the subcommittee we were told that the Congress in the mid-1980s passed what was then proclaimed as a great pro-environment law that we would not allow cutting of more than 80 percent of the new growth in the national forests. Since then, we have repeatedly reduced that percentage, stopping it altogether in some places. From the pro-environment law of 80 percent of the new growth in the national forests to the pro-environment law of 70 percent of the new growth in the national forests, to the pro-environment law of 50 percent of the new growth in the national forests. But the environmental extremists have been advocating. If we do not start cutting more trees in the national forests, they would probably think that was a really good thing. They never stop to think that we have to cut trees if we want to build houses and have furniture or have books, newspapers, toilet paper, and many, many other products.

Also, it we keep limiting and restricting where and how trees are cut, it will drive the prices for homes and many other items much higher than they already are. Even now, lumber dealers tell me they are having to import all kinds of Canadian lumber because we have cut out or halted so much U.S. lumber production.

When extremists get our lumber production in our national forests reduced so drastically, it helps big businesses and other countries, but it destroys jobs and drives up prices in this country. The people it hurts the most are the lower-income and working people in this country.

I know most of these environmental extremists come from very wealthy families, and I know they are more or less insulated from the harm that they do. But I think it is really sad that they destroy so many jobs and drive up prices for so many people who really cannot afford it.

I am not talking about cutting any trees in our 356 national parks. I am talking about cutting trees in our national forests so they can grow and be healthy and keep lumber prices down.

Our national forests cover 191 million acres. I know when people look at a map of the United States on one page in the book, the country looks small. Yet, 191 million acres is equal to about 325 Great Smoky Mountain National Parks. Most people who go to the Great...
Smokies think it is huge. Yet I am talking about forests that cover more than 300 times the Great Smokies, and this does not count any of the land in our national parks or the land the Bureau of Land Management controls. The federal government owns over 30 percent of the land in this Nation today. State and local governments and quasi-governmental agencies own another 20 percent. Half of the land is in some type of public ownership.

What is most disturbing, though, is how government at all levels has been taking over private land at such a rapid rate in the last 30 years, and perhaps even more dangerous, putting so many rules, regulations, restrictions, and red tape on the shrinking amount of land that still remains in private hands today.

Yet, there are some of these environmental extremists who are not satisfied with half of the land and want even more.

There is something known as the Wildlands Project, which I first read about in the Washington Post, which advocates taking half the private land in the U.S. and placing it in public ownership.

This may sound OK until some bureaucratic comes and takes your home or your property. Also, we could not emphasize enough that private property is one of the main keys to our freedom and our prosperity. It is one of the main things that has set us apart from countries like Russia and Cuba and other socialist or communist nations.

These national forests are not national monuments. They are natural resources, renewable resources.

Whenever some of these extremists are confronted by loggers who have lost jobs or communities that have been devastated, they always say just promote tourism.

Well tourism is an industry filled with minimum or low wage jobs. Even more importantly, it is just not possible to turn our whole country into tourist attractions or base our economy on tourism.

I know these environmental groups have to scare people and continually raise the bar so that their contributions will keep coming in.

I know, too, that many big companies, and particularly big multi-national corporations are helped by extreme environmental rules because they drive so many small and medium-sized businesses out of business or force them to merge. So many contributors for these groups come from these big companies, often headquartered in other countries.

But, Mr. Speaker, if we want to continue having a strong economy, with good jobs and half-way reasonable prices, and especially if we want to have a free country, we must use our natural resources in an environmentally balanced way.

We cannot stop cutting trees, digging for coal, and drilling for oil and continue to have the good life that we fortunately enjoy today.

LIVABLE COMMUNITIES AND SAFETY FOR PEDESTRIANS

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan. 2, 1999, the gentleman from Oregon (Mr. Blumenauer) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is for the Federal government to be a better partner in making our communities more livable, to make our communities safe, healthy, and economically secure.

One of the indicator species of a livable community is the pedestrian. Earlier this week, people in Montgomery County were shocked, I am sure, to read that community pedestrian deaths were as high as homicides. In 1998 and 1999, 25 people were killed in pedestrian accidents, the same as those that were killed in homicides.

Really, this is not news. The statistics are that Americans are 160 percent more likely to be killed by a car than to be shot and killed by a stranger. It is the equivalent of an airline crash every 2 weeks in this country, and for every person who is killed, there are another 20 seriously injured; 6,000 dead in all, and 110,000 injured.

The seniors of our community are at the highest risk, almost twice a likely to be killed or injured. Walking for them is more important, not just as a form of exercise, but it is an important part of their transportation system, because many of them no longer drive.

Mr. Speaker, it is important because everyone at some point in their journey is a pedestrian. But there are lessons to be learned from our experience. We are finding that some of the sprawling unplanned communities that are primarily auto-oriented are the most dangerous places for people to walk, places like Fort Lauderdale and Miami; Atlanta, that we have talked a lot about on the floor of this House is sort of a poster child for unplanned growth and sprawled; and Tampa, St. Petersburg, and Dallas, Texas.

Ironically, many of the older, more pedestrian-oriented are the safest. Pittsburgh, Pennsylvania, by any account, is the safest place to walk in America.

It does not have to be this way. There are opportunities for us to plan for people, not just for cars; to put uses closer together, not mandate that they be separated from where people work, where they live, and where they shop.

The Federal government itself can be a partner by not taking an historic Post Office in downtown small town America and putting it by a strip mall out at the edge of town without even paved sidewalks.

There is a whole philosophy that has developed, an engineering approach that is called "traffic calming" that we have great success with in our communities in Portland, Oregon, to be able to make a difference for the way that people live.

The Federal government in the ISTEA-T-21 legislation has set aside significant funds for traffic safety, but sadly, many of the States are not using those resources in ways that will make pedestrians safe. Fourteen percent of all motor vehicle-related deaths are pedestrians, yet only 1 percent of the highway safety money from the Federal government is used for pedestrian safety.

It is important for us to use the tools that we have available, that we are sensitive to putting people into the planning process to make our communities more livable and make our families safer, healthier, and economically secure.

KOSOVO AND BOSNIA

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

Mr. STEARNS. Mr. Speaker, 1 year ago the United States and many of our NATO allies were engaged in an air campaign against Yugoslav forces. Next month will mark the 1-year anniversary of the agreement providing for the withdrawal of Yugoslav troops from Kosovo and the deployment of international peacekeeping forces.

Mr. Speaker, it is vital that we not forget the American troops who continue to languish in Kosovo, or those in Bosnia, and other fellow citizens scattered throughout the world on various deployments. We should also consider the cost of these deployments both in dollars and in reduction of our military capability.

President Clinton's decision to attack Yugoslavia and to maintain peacekeeping forces there was based upon the mistaken notion that military forces can turn ethnic and religious hatred into peaceful coexistence.

As a participant in the Kosovo peacekeeping operation known as KFOR, the United States has 5,000 troops in Kosovo, 450 in Macedonia, and 10 in Greece. While working to achieve this harmony, U.S. troops have been fired upon and assaulted in many instances. Census figures collected by the U.N. High Commission for Refugees and the Yugoslav government indicate that 93 percent of the population of Kosovo is ethnic Albanians now and 5 percent Serbs. In essence, American troops are in Kosovo to protect the Serbs from an angry majority. This makes the President's plan to build a peaceful, multi-ethnic state all the more daunting.

This situation begs the question, when will our troops leave Kosovo? If the Clinton administration has its way, the answer is, no time soon. All we need to do is to look at Bosnia to explain this conclusion.

Remember Bosnia? In 1996, the United States sent 16,500 troops to Bosnia and some 6,000 support troops to neighboring nations. The President stated that the deployment would last about 1 year. Mr. Speaker, the troops are still there, and the administration has requested $1.4 billion for the next fiscal year to continue this 1-year mission to Bosnia.

Mr. Speaker, it seems that much the same is expected for Kosovo. Two
American camps in that region are being expanded to house and support American soldiers for at least 3 to 5 more years.

More troubling is the assessment of the top U.S. commander in Kosovo. According to the Boston Globe, that commander, Brigadier General Sanchez, stated that the mission will require NATO peacekeepers to remain there for at least a generation. Can we expect some of these NATO troops to be American?

We should also consider the cost of these deployments. Up to last year, $9.08 billion has been appropriated for Bosnia operations. With the expenditure for this fiscal year and the next, the Bosnian mission will accumulate costs exceeding $12 billion.

According to the Department of Defense, the Kosovo operation costs $3 billion last year, and the estimate for FY 2000 is about $2 billion. Our peacekeeping operation in the Balkans is approaching $20 billion in total expenses.

In reading a Heritage Foundation report on this issue, I discovered that “The Pentagon believes that it missed its procurement targets for the past 5 years because of unexpected costs associated with the military operations in Kosovo and Bosnia.”

This means that we have not met our goals for modernizing our weaponry because of our peacekeeping operations in the Balkans. By making Bosnia and Kosovo safer for their citizens, we have made America less safe for our citizens. Is that really the policy results this administration is seeking?

Congress must take steps to ensure that America’s national security interests are paramount in conducting our military and diplomatic missions.

CHINA TRADE

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

Mr. PASCRELL. Mr. Speaker, this morning I would like to address something we started to talk about last evening, and that is the vote we will be taking probably tomorrow on China and our trade relations with China.

The minority leader wrote a book last year, where he made America in the 21st Century, where he dismissed as ludicrous the contention that expanded trade fosters democracy in China. “America has to stand for something more than money,” the Majority Leader said, and I agree with him wholeheartedly.

It seems to sum up what we have been saying, we opponents. We are not or do not wish to cut off relationships with China and the Chinese people. In fact, our argument is not with the Chinese people, our argument is with the authoritarian government which has tortured, which has beaten down any dissidents, any opposition.

Strictly on the issue of security, the proponents of permanent trade relations with China, normal relationships, whatever we wish to call them, they have been talking first about the jobs that would be created, and then when they could not win that battle, they switched to the issue of national security.

Three points.

My main thrust is jobs this morning. We know that in these past 10 years, China has targeted up to 10 intercontinental ballistic missiles at the United States.

Two, during this same period of time, we signed an export control waiver which allowed the top campaign fundraisers in aerospace companies to transfer sensitive missile guidance technology to China.

Number three, during the same period we shifted the prime satellite export responsibility from the State Department to the Commerce Department. In the sequel to “sleeping with the enemy,” I would imagine this is pretty consistent. This in no way is going to strengthen the security of the United States. This deal is a bad deal.

The worst part of the deal is for the American workers. As China seeks entry to the World Trade Organization, and as our trade deficit with China soars to record heights, $70 billion by the end of this year, at least, our manufacturing jobs are being sucked from our shores by China.

This is critical to understand, because if we are not going to help produce more jobs in America and sustain the economy, the robust economy that we have, then where will jobs be created, if not in America? These jobs are going to places like China, where there is no regard for labor, where there is no regard for human safety, and where there is no regard for environmental or health standards.

I find that it is best to take a step back and look at exactly what is happening. Granting PNTR to China would strip America’s ability to keep check on the Communist regime. Granting PNTR to China says that China has gained our trust and approval, and I would be saying that I believe this trade deal is the best thing for the people of my district.

But as I mentioned last night, I did have a nightmare on Thursday evening, when I was joined by the 150 dissidents of the Capitol here. I dreamt with horror that there was an uprising in China, as there are many dissidents who are afraid to speak up at this moment, and that this great country, this pillar of democracy in the world, the greatest democracy that the world has ever known, stood alongside of the authoritarian, totalitarian Chinese government to put this insurrection down.

That is a horror show.

Mr. Speaker, I would like to start by thanking my colleague from Oregon, Mr. DeFazio, for his tremendous leadership, in standing up for working people worldwide. I am pleased to join him here today.

There is a reason that the proponents of this flawed deal have been touting the national security and “theoretical” reform benefits they see in this package. Because they know that the argument that this bill is good for our working families is just plain wrong.

As China seeks entry to the World Trade Organization, and as our trade deficit with China soars to record heights, our manufacturing jobs are being sucked from our shores, away from our workers.

Those jobs are going to places like China where there is no regard for labor, safety, environmental or health standards.

When dealing with issues such as this, I find that it is best to take a step back and look at exactly what we are doing. What does this vote mean?

Day after day I try to work with firms, be they manufacturing, or textile, or other small businesses, to see what I can do to assist the business in reaching its fullest potential.

How can I vote on Wednesday to send these businesses and jobs overseas?

Normal Trade Relations? This does not seem normal to me.

I cannot stress enough, the mistake we will make by passing this bill later this week. I understand that unemployment is at its lowest, and that the economy is soaring.

But workers are making less money than ever. After NAFTA, we saw tens of thousands of good jobs, with benefits, and security go South to Mexico. What has increased has been the number of temporary workers.

Companies have been hiring people to work for free, without health plans, without protection.

The bottom line is that this is not a government in China that we have been able to trust. It has broken every commitment it has made with the United States of America.

It has broken every trade agreement it has signed with the United States over the past 10 years.

Supporters of PNTR claim that China will buy our imports. But I do not see the infrastructure or the wealth in China to accept any substantial amount of American merchandise.

But if it does not want to sell cars to China, they want to build cars in China.

Over the past ten years, our trade deficit with China has ballooned from 7 billion dollars to 70 billion dollars! There is currently a 6-to-1 ratio of imports to exports.

Supporters of this flawed bill claim that we need PNTR to see our economy grow. That fact is however, that China has had NTR over the past twenty years, and things continue to get worse. We are taking a bad deal and making it permanent.

Our United States, we have seen a dangerous shift from a production to service based economy. This deal threatens the tremendous creative spirit of our nation with the prospect of exploitation overseas.

I will not vote for a proposal that is downright dangerous to our society at large.

PNTR will not surrender our manufacturing base, our production, our jobs.

Manufacturing is tremendously important to my district. There are 1,114 manufacturing firms who employ 57,000 workers in the Eighth District, and these firms are critical to our infrastructure.

Granting PNTR to China would strip America’s ability to keep check on the communist regime in China. Granting PNTR to China...
says that China has gained our trust and approval, and I would be saying that I believe this trade deal is the best thing for the people of my district. I will not do that, because this is a bad deal for our workers.

Both sides need to lie. If PNTR is granted, New Jersey will see 22,276 jobs lost over the next ten years. The United States as a whole will suffer a net job loss of 872,000 jobs over the same ten years.

Proponents like to talk about job creation, but they do not like publicizing the job loss on our side.

The real job creation will be in China, where U.S. businesses will flock with their factories.

They will go there to pay thirty-three, thirteen, even three-cents per hour in sweatshops that are basically workshops from a maximum-security penitentiary.

Big business in America wants to exploit a labor force that cannot go on strike for higher wages, or for better conditions. It wants to take advantage of a labor force that is oppressed by its government. In fact, China has prison labor camps listed among its manufacturing companies!

Why is this year any different? Why is this trade deal any different? What has China done to gain our trust, besides stealing of our nuclear secrets? China is not all of a sudden going to play by the rules. They will not limit their imports. China will not be a good trading partner, because there is no enforcement or reason to be.

With permanent NTR, we will have thrown in our last chip on keeping China in check. This deal is bad for my district, New Jersey, and the country. I stand with environmentalists, veterans, human rights activists, and most importantly, working families, to oppose this legislation.

The timing is wrong, and the deal is wrong. Now is not the time we should vote to change their government peacefully. Citizens do not have the right to change the nature of all the world currencies and the mischief that fiat money causes, as well. When these adjustments occur and recession sets in, with rising prices in consumer and producer goods, there will be those who will argue that it happened because of, or the lack thereof, of low tariffs and free trade with China.

But instead, I suggest we look more carefully for the cause of the coming currency crisis. We should study the nature of all the world currencies and the mischief that fiat money causes, and resist the temptation to rely on the WTO, the IMF, the World Bank, pseudo free trade, to solve the problems that only serious currency reform can address.

INTERNATIONAL TRADE

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

Mr. PAUL. Mr. Speaker, this week there will be a lot of talk on the House floor about international trade. One side will talk about pseudo free trade, the other about fair trade. Unfortunately, true free trade will not be discussed.

Both sides generally agree to subsidies and international management of trade. The pseudo free trader will not challenge the WTO's authority to force us to change our tax, labor, and environmental laws to conform to WTO rules, nor will they object to the WTO authorizing economic sanctions on us if we are slow in following WTO's directives.

What is permitted is a low-level continuous trade war, not free trade. The current debate over Chinese trade status totally ignores a much bigger trade problem the world faces, an ocean of fluctuating fiat currencies.

For the past decade, with sharp adjustments in currency values such as occurred during the Asian financial crisis, the dollar and the U.S. consumers benefited. These benefits will prove short-lived, since the unprecedented prosperity and consumption has been achieved with money that we borrow from abroad.

Our trade imbalances and our sky-rocketing current deficit once again have a new record in March. Our distinction as the world's greatest debtor remains unchallenged. But that will all end when foreign holders of dollars become disenchanted with financing our grand prosperity at their expense. One day, foreign holders of our dollars will realize that our chief export has been our inflation.

The Federal Reserve believes that prosperity causes high prices and rising wages, thus causing it to declare war on a symptom of its own inflationary policy, deliberately forcing an economic slowdown, a sad and silly policy, indeed. The Fed also hopes that higher interest rates will curtail the burgeoning trade deficit and prevent the serious currency crisis that usually results from currency-induced trade imbalances. And of course, the Fed hopes to do all this without a recession or depression.

That is a dream. Not only is the dollar due for a downturn, the Chinese currency is, as well. When these adjustments occur and recession sets in, with rising prices in consumer and producer goods, there will be those who will argue that it happened because of, or the lack thereof, of low tariffs and free trade with China.

But instead, I suggest we look more carefully for the cause of the coming currency crisis. We should study the nature of all the world currencies and the mischief that fiat money causes, and resist the temptation to rely on the WTO, the IMF, the World Bank, pseudo free trade, to solve the problems that only serious currency reform can address.

TRADE WITH CHINA BUT NOT WITH CUBA

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

Mr. DEFAZIO. Mr. Speaker, today the House will not consider the agriculture appropriations bill because the leadership on the Republican side of the aisle so vehemently opposes one tiny provision of that bill. That is the provision that would allow the sale of food, food, food, to Cuba.

Cuba is the threat to the United States of America that the sale of food could jeopardize our national security. Sell them eggs? They might throw them back at us.

Let us compare and contrast their attitude about Cuba to their attitude about China. Tomorrow those same Republican leaders are pushing as hard as they can to have a truncated 3-hour debate on the issue of so-called permanent normal trade relations for China.

They want to sell them everything: aeropace technology. They have already stolen the warhead technology. Missile technology. We are helping them improve their missiles, as well. Those little flurries about pre-emption that last year? Well, that died in the conference committee. We are selling them missile technology. They have targeted us with 19 missiles, but they are not very accurate. We want to help them with their accuracy, anything they might want to buy.

They are not a threat, somehow. We are going to engage them. But Cuba, Cuba is such a threat that food, we cannot sell food to Cuba. Do not worry, they might throw those eggs back at us.

A leader on the other side said, it is very easy to see the distinction between the two cases. If we cannot see it, I do not know, maybe we are just blind to it.

Let us just look at the distinctions in the State Department report. I have blanked out the countries. See if Members can guess which is an authoritarian state.

The blank is an authoritarian state in the blank Communist party is the paramount source of power. Citizens lack both the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government. Prison conditions at most facilities remain harsh.

That is one of these countries. Here is the other. The blank is a totalitarian state controlled by blank who is chief of state, head of government, first Secretary of the Communist party, and Commander in Chief of its armed forces. Citizens do not have the right to change their government peacefully. Prison conditions remain harsh.

One of those countries the United States will trade anything and everything with, and the other one we will not even sell them food, but they kind of sound identical, do they not? They oppress their people, they have harsh prison conditions, political prisoners, religious prisoners, prisoners of conscience.

One of them presents a threat to the United States of America so grave they cannot buy food. The other, a country of 1 billion people that is selling sensitive nuclear technology to terrorist nations, that has violated every trade agreement it has entered into with the United States of America, that horribly oppresses its people, that crushes students with tanks, well, that died in the conference committee.

We will be allowed 3 puny hours to debate this issue tomorrow because the
Republicans have a big dinner. The biggest trade issue before the United States Congress this year, and 3 hours of debate. It sounds like the deal is cut on that side of the aisle, and it is cut for one thing, campaign contributions from the big business that is pushing this stuff through this body.

SOCIAL SECURITY AND MEDICARE
The SPEAKER pro tempore. Under the Speaker's announced policy of Janu-ary 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, social security, as we see on this chart, now is the largest expenditure of the Federal Government. It uses 20 percent of all Federal Government funds. Medicare is 11 percent, but within the next 35 years Medicare, the way it is growing, will get to grow faster and be a larger percentage of the budget than social security.

Over the last 6 years I have introduced three social security bills, each one scored by the social security actuaries to keep social security solvent for the next 75 years. I am very concerned what is happening in this presidential campaign.

The Wall Street Journal reports that the chairman of the Democrat House campaign committee has sent a memo urging Democrat candidates to bash and criticize Governor Bush for proposing social security reforms. These election year tactics I think are very dangerous because it will discourage fact-centered dialogue about what the real problem is: How are we going to keep social security solvent to pay benefits for future retirees. Instead, they use fear-based rhetoric to reduce this important issue to demagoguery for political gain. I think American workers deserve better than that.

Many will have payroll taxes taken from their paychecks for 40, maybe even up to 50 years. When it is time for them to retire, the promises made by candidates who demagogued during the 2000 elections will not produce the money to pay benefits at the levels that current retirees receive. Only real reform is going to do that.

As we see by this chart, this is the predicament of social security. Social security is going to run out of funds, a cash flow problem, so there is less money coming in from social security taxes than is needed to pay benefits. So somehow we have to come up with money in those future years to pay for the benefits that have been promised.

There are only three or four ways to do that: We either cut existing programs, and probably that is not going to happen in this Chamber; we can increase taxes, and I think that is very bad because 72 percent of American workers today pay more in social security tax than they do in income taxes. Every time we have been in trouble in the past, we have just said, well, we are going to raise the tax on American workers. So the problem is, how do we do it without raising taxes? Increase borrowing? Probably!

Director Crippen of the CBO pointed out in Thursday's Washington Post that finding the money to repay this trust fund debt means taxes will have to be raised, spending cut, or borrowing increased. As he said, reform proposals that do not change some of the program's basic principles are not going to solve the problem. Another alternative is getting a better return on some of those taxes paid in.

Right now, a young worker 20 years old going to work and paying social security can expect at the most a 1.2 percent inflation-adjusted return on what he or she and their employer pay in. So if that young worker can take some of their tax and get a better return than Social Security's 1.2 percent by investing in bonds, CDs maybe some of it in index funds to have more retirement income. They now own that 2 or 3 percent of their wage plus the compounded earnings. It is part of their estate if they might die early.

We do not need Vice President Gore saying, we are just going to simply add giant IOUs to the Social Security Trust Fund and pretend somehow we are going to come up with the money in the future. It is our biggest, most important program in this country. Let us talk realistically, does the ultimate solution is going to require that Republicans and Democrats get together on a bipartisan basis to do this.

Demagoguery, criticizing it, having memos go out that say, bash Governor Bush for any proposal he makes on social security, is not the way to move ahead on a bipartisan solution. I urge the President of the United States, I urge the Vice President, to stop it and talk in a cooperative, factual manner about the real problem and how we might save Social Security and keep it solvent for our kids and grand-kids.

Mr. Speaker, Thursday's Wall Street Journal reports that the chairman of the Democrat's House campaign committee has sent a memo urging Democrat candidates to bash Gov. Bush for proposing Social Security reforms. These election year tactics will discourage fact-centered dialogues about the reforms needed to keep social security solvent for generations. Instead, they use fear-based rhetoric to reduce this important issue to demagoguery for political gain.

American workers deserve better than this. Many will have payroll taxes taken from their paychecks for forty and even fifty years. When it is their time to retire, the promises made by candidates who demagogued during the 2000 elections will not produce the money to pay benefits at the levels that current retirees receive. Only real reform that sets cash aside for the future will do this. Starting in 2016, Social Security's 20 percent of all Federal Government funds, and the Treasury must find the cash to meet these obligations. CBO Director Crippen pointed out in Thursday's Washington Post, that finding the money to repay this trust fund debt means taxes will have to be raised, spending cut, or borrowing increased. As he said, reform proposals that do not change the program's obligations or take actions to promote growth in the economy are an empty generalization.

Governor Bush has shown true leadership by taking on this issue. He is not willing to accept the status quo, and we shouldn't be, either. The only way to get to real solutions is to discuss the facts and work together on a bipartisan basis to build a solution.

THE WHAT IF ORGANIZATION AND THE POSSIBILITY GENERATION
The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized during morning hour debates for 5 minutes.

Mr. GREENWOOD. Mr. Speaker, I have the pleasure today of hosting an organization of young people in from my district who call themselves "What If?"

What if young people knew how to create their future every day through the goals they set and the decisions they make?

What if today's youth were given opportunities to become team members, to solve problems and its relative differences clearly and effectively?

What if the youth of today created an expectation for leadership and account-ability, and in doing so, create a shift in the way they view themselves and the way they are viewed by others?

What if a generation, this generation, decided to empower itself by giving itself a meaningful name, the Possi-bility Generation?

What if the mass youth movement to spread that name around the globe taught participants in that movement to produce actions founded on choice, personal and social empowerment, integ-rity, and responsibility?

In a world where young people feel that the road ahead is so bleak as to require dramatic and violent means of self-expression, in a fast-paced world of uncertainty and change greater than any other time in history, we must empower youth to become visionaries, and to invite new choices for their future, to make responsible choices, and to take responsibility for the choices that they make.

In a world in which the mere sustain-ability of our planet cannot be taken for granted, we must encourage and produce socially, environmentally, polit-ically, and commercially conscious youth leadership.

The What If Organization, founded to address these very issues, is an an educational, training, and networking or-ganization which provides unique emo-tional and intellectual development through innovative programs that train youth and young adults to become productive in the workplace, in their lives, and in their communities.

The skills acquired through What If interactive programs provide long-
term solutions with broad implications by training students to make responsible choices and consciously operate as the CEOs of their lives.

Youth leaders of the What If organization have renamed their generation. Formerly known as Generation Y, the Possibility Generation. They are creating history as the first generation to name itself, and through that act, they are declaring their leadership. Unwilling to be labeled by others, these youth are shaping a shift in the way they view themselves and the way they are viewed by others.

Representatives of the What If Organization, founders of the Possibility Generation, and their peers are here today to share in the creation of new possibilities for generations to come. As I read the Possibility Generation, written by these young people.

"The Possibility Generation Proclamation:

We, the youth and leaders of the future, hereby proclaim our self-fulfilling right to choose our name, to be accountable for how we are perceived, and to be responsible for the manner in which we relate to ourselves and others.

We are shaping our future by naming ourselves the Possibility Generation, a name consistent with the future we are creating. We are actively forming the Possibility Generation by taking ownership of the future today. We know through our own initiative we can design our lives and future, building on the knowledge and experiences from previous generations.

We willingly seek partnership in creating our future based on the recognition of our unlimited possibilities and what we can accomplish by virtue of our strengths, our openness, our quest to explore uncharted territory, our willingness to accept and be proud of who we are, and our ability to accept others for who they are.

We commit to being a model for the generations that follow, thus creating a future for our children and providing a choice to lead a life by a path of self-determination and celebration. We commit to creating a world that accepts all people and provides an equal right to explore given potential. In so doing, we become the possibility of goodness, peace, and humanitarianism for all.

We, the members of the Possibility Generation, pledge to each live our possibilities in the manner that will empower us as individuals and thus positively influence society as a whole.

I am delighted, Mr. Speaker, to host that group of fine young people in Washington today, where they will meet and present their ideas to Congress from the administration, and wish them well as they take on these glorious endeavors.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 19, 1999, the gentleman from Colorado (Mr. TANCREDO) is recognized during morning hour debates for 2 minutes.

Mr. TANCREDO. Mr. Speaker, yesterday marked the beginning of National Small Business Week. With over 117,000 small businesses in Colorado, not to mention the 184,000 self-employed individuals, small businesses have become the backbone of our robust economy.

It is imperative that we continue to foster the growth of small businesses in America by reducing and eliminating many of the burdensome regulations the Federal government imposes on them, such as those put out by OSHA that cost small business millions of dollars each year.

Congress should also heed the calls of businessmen and women throughout the Nation and eliminate the death tax, which would allow more small businesses to be passed on from one generation to another, and continue to pass laws allowing small businesses to increase retirement benefits for themselves and their employees.

Earlier this year, the House passed four small business bills to reduce paperwork requirements and limit liability. I urge my colleagues in the Senate to pass this legislation.

I hope my colleagues will join me this week in thanking America’s small businesses for their efforts in making America the leader in the world’s economy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. Accordingly, (at 9 o’clock and 41 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God of the ages, You love each of us in singular fashion. You deal with us justly. In differing ways, You draw us to Yourself to achieve Your own purpose.

Those who have only tasted Your goodness, O Lord, are like newborn infants longings for pure spiritual milk. Those who have been cut out by Your Word and hewed by Your spirit are like living stones being built into a spiritual house, called to be a holy priesthood offering spiritual sacrifice acceptable to God.

Those wholly animated by Your Spirit are like branches on a vine, one in life, one in activity, one in producing lasting fruits. Help us this day to achieve Your holy will by setting aside all selfish gain. Make us Your instrument of peace and justice that our faith in You may not bring us shame but give You alone the glory 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 1, the journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. TERRY 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.

PAYING DOWN THE DEBT

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 1981, while the Nation celebrated the 200th anniversary of the British surrender at Yorktown, President Reagan joked that “our enemy is no longer Red Coats, but red ink.”

For 40 long years, this country sank deeper and deeper into debt. Congress seemed addicted to spending money on every project imaginable. But never during the 8 years of Reagan’s presidency did the Congress ever send him a balanced budget, not once.

Never during the Carter, Ford, or Nixon administrations did the Democratic Congress ever send the President a balanced budget, nor during the Bush administration.

The same was true the first 2 years that President Clinton enjoyed one-party rule in this town, no balanced budget.

The Constitution clearly states that only Congress can appropriate money for spending. Within 3 years of taking over Congress, the Republicans not only balanced the budget but also began paying down the debt.

For decades, the other side had the chance to balance the budget but never did. The Republican Congress did it, and now we are reaping the rewards.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

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

Mr. ROEMER. Mr. Speaker, we cast a lot of votes in this body that are often-times quickly forgotten, but tomorrow
we will cast one that will be indelibly etched in the history books, whether or not this Congress supports the current status quo of too many human rights abuses and too many trade deficits with China or whether we want to change that.

I will vote for permanent trade with China because it benefits America. We do not want to support the status quo with China.

Just Friday, the European Union negotiated a new agreement with China where they will give certain benefits to get into those markets in China. Under this agreement, America does not open its markets one bit more to China; but we pry open markets for telecommunication, agriculture, manufacturing, and across the board.

Our policy, Mr. Speaker, should be to pry open and penetrate those markets so that we export products, not jobs.

SPANISH-AMERICAN WAR TAX

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

Mr. HEFLEY. Mr. Speaker, the Federal Government is notorious for being cumbersome and slow to change. When it comes to making improvements in our 17,000-page Tax Code, this is particularly true.

So it is no great surprise that there is a 102-year-old temporary tax law on the books which became obsolete less than a year after it became law. That is right, the Spanish-American War tax, which charges Americans a 3-per-cent excise tax on their phone line usage, was passed by Congress in 1898 to pay for the Spanish-American War.

Well, the war is over, folks, but the tax is still with us. It is hurting 94 percent of Americans who use phone lines either for personal or business use.

Why has it not changed? It has not changed because of the insatiable appetite of Government for every single tax dollar it can get its hands on.

This is wrong. Congress needs to disconnect the American people from the outdated Spanish-American War tax.

INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to talk about international child abduction, but this time I will tell the story from a different perspective. I am going to tell my colleagues about Cecilie Finkelstein, a victim of international parental child abduction who I have spoken with about the effects that this crime has on the abducted child.

During our discussions, Cecilie expressed her personal feeling that the abduction can and often does cause tremendous harm to the children involved. In her case, she lived on the run for 14 years, living in three countries and 34 States.

Her father forced her to assume many identities to hide and alienate her from her mother. Cecilie learned the truth from a family friend.

She now has a relationship with her mother but expressed to me the devastating impact that abduction has on the child victims.

At an event I held in March, Cecilie, on behalf of herself and all abducted children, appealed to Congress to do everything in its power to discourage international parental child abduction by taking action to motivate foreign countries to comply with the spirit and the intent of the Hague Treaty on the Civil Aspects of International Child Abduction.

My colleagues have that chance. Support H. Con. Res. 293 and help me prevent this tragedy from happening again.

INS DATA MANAGEMENT IMPROVEMENT ACT

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

Mr. GIBBONS. Mr. Speaker, I rise today, in strong support of H.R. 4489, the INS Data Management Improvement Act, which will be coming before this Chamber later today.

The bill will support our border law enforcement objectives without adversely affecting U.S. commerce, trade, or tourism.

H.R. 4489 does not create a new, cumbersome inspection system. It does not mandate additional documents be required for entry into the United States.

H.R. 4489 simply requires that the INS develop and maintain an electronic database of information already collected at our borders. It also establishes a joint public-private sector task force to evaluate and report on ways to improve our ability to improve conditions at all ports of entry.

This sensible legislation supports our border law enforcement efforts, as well as the travel and tourism industries of many States, including Nevada.

I urge all of my colleagues to support the INS Data Management Improvement Act.

JUSTICE DEPARTMENT HAS NOT INVESTIGATED WHETHER CHINESE COMMUNISTS HAVE COMMITTED OUR NATIONAL SECURITY

(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, a memo now proves that the FBI urged Janet Reno to stop investigating illegal Chinese campaign contributions to the Democratic Party. Janet Reno was told she would lose her job. Janet Reno did not lose her job.

Until this day, the Justice Department has never investigated whether or not Chinese communists have compromised our national security.

Unbelievable. And if that is not enough to throw wild rice on this China marriage, check this out. Congress is about to reward China for buying and spying on Uncle Sam.

Beam me up.

When the Justice Department spends millions of dollars to investigate Bill Gates of Microsoft but not one dime to investigate the Red Army of China, something is wrong in America.

I yield back what looks like treason to me.

IN SUPPORT OF GRANTING PERMANENT NORMAL TRADE RELATIONS TO 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, China is the third largest military power in the world. It has a huge conventional arms arsenal and developing missile and nuclear capabilities.

Quite frankly, China is a powerful threat. But China can be a powerful ally. There is no more powerful tool for a positive change in China than trade with America.

I worry that this trend towards isolationism will lead us into another Cold War, an ugly time of an era gone by, where many of my colleagues seem to long for the old policy of mutually assured destruction.

Mr. Speaker, I urge them to instead explore the option of mutually assured improvements.

Granting China normal trade relations will have a tremendous impact on our diplomatic relations. This will enhance our ability to improve conditions in China even more.

IN CELEBRATION OF SMALL BUSINESS WEEK

(Ms. VELAZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELAZQUEZ. Mr. Speaker, George Bernard Shaw once said, "Some people look at the world and say, 'Why?'. Others look at the world and say, 'Why not?'" To me, this one statement captures the essence of what it means to be a business owner and entrepreneurs of America.

I rise today in celebration of Small Business Week and acknowledge our Nation's most enduring image and its greatest legacy, our small businesses.

Small businesses account for 99.7 percent of America's employers. They employ 52 percent of the private sector workforce. And they are responsible for 47 percent of all sales of goods and services throughout this country.

But small business is not just about these numbers. These companies represent the investors, entrepreneurs,
technical wizards, and dreamers of our business community. And as we commemorate Small Business Week and the entrepreneurs, we are celebrating these individuals and we honor those who always say “why not?”

REPEAL TAX ON TALKING

(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, in 1898 the Federal tax on telephone service, the tax on talking, was first levied as a temporary measure to fund the Spanish-American War. That war lasted only a few months, and yet the taxes lasted for over a hundred years.

Unfortunately, in 1990 a Democratic-controlled Congress made it permanent, which just goes to show us one thing about Washington: once there is a tax, a tax book, it is almost impossible to get rid of it.

But this week we are going to achieve the impossible. We are going to get rid of this Federal telephone tax once and for all. This will provide tax relief to the nearly 95 percent of Americans who have telephone service, and it will help keep the Internet free from direct taxation.

Teddy Roosevelt and his Rough Riders fought valiantly in the Spanish-American War, but we have long since cleared the ledger on that victory. It is a hundred years later and way past time to repeal this outdated tax on working Americans.

MOTOROLA AND TELECOMMUNICATION PRODUCTS IN CHINA

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

Mr. KUCINICH. Mr. Speaker, a recent ad placed by Motorola, and this is the ad, says, “China is finally open for business, and America’s factories are ready to respond to this historic opportunity to boost exports to China and support jobs at home.”

Now, Motorola wants Congress to believe that it will increase jobs and investment at the American factories for export to China.

A Chinese newspaper gets a different story. Motorola is telling the Chinese, we are going to invest another $2 billion in China once China enters the World Trade Organization, which would follow this permanent MFN vote, on top of the $1.1 billion that Motorola has already invested in Chinese production. So Motorola is going to build a new factory to produce telecommunication products in China.

Motorola did not export a single cell phone to the U.S. from China. Last year the U.S. imported almost $100 million in cell phones that were made in China, many with the Motorola brand. If Congress passes PNTR, Motorola could basically take these Chinese plants and use them as an export platform to disadvantage the American people, American jobs.

Vote against PNTR.

INTERNET PRIVACY

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

Mr. HUTCHINSON. Mr. Speaker, yesterday the Federal Trade Commission released a report to Congress. This report dealt with the issue of online privacy. The report stated: “Ongoing consumer concerns regarding privacy online and the limited success of self-regulatory efforts to date make it time for the government to act to protect consumers’ privacy on the Internet.”

The important impact of this report is that it urges action by Congress. It is time that we do not simply leave it to the regulators but that we take legisliative action on the issue of privacy. The best vehicle for this purpose is the privacy study commission bill that I have introduced along with the gentleman from Virginia (Mr. MORAN). It is a bipartisan bill patterned after the privacy study commission of 1974 that gave us hallmark legislation. We need to address this. It is comprehensive, it is bipartisan, it is a thoughtful approach to the issue of privacy. It is set for markup in the committee on government reform.

I urge my colleagues to take a look at it because it is time that we were able to go back to the voters and say we are going to do something about the issue of privacy.

NATIONAL SMALL BUSINESS WEEK

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

Mr. DAVIS of Illinois. Mr. Speaker, today in honor of National Small Business Week. This is the week we honor the small business owners across the Nation. It is again. It is so much to make our country strong and prosperous. America’s 23 million small businesses employ more than half of our country’s private workforce, create two out of every three new jobs, and generate a majority of American innovations. In my district, we are experiencing tremendous growth as a result of small businesses. I would hope as we get an opportunity in a few days to vote on new market initiatives and the American Community Renewal Act that we, Mr. Speaker, would recognize the value of small businesses and vote this legislation in honor of our small businesses in the country.
SEQUENTIAL VOTES POSTEMED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 506, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 by the gentleman from Indiana (Mr. ROEMER); amendment No. 3 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 4 by the gentleman from Ohio (Mr. TRAFICANT). The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by Mr. ROEMER (No. 4) 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. 1 offered by Mr. ROEMER:

At the end of title III add the following new section (and conform the table of contents accordingly):

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

(a)(1) Each intelligence agency shall, not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress an annual report which shall include the following:

(A) an itemized statement of the total amount of intelligence expenditures for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

(2) The annual statement shall include an itemized statement of the total amount of intelligence expenditures for the fiscal year immediately preceding the current year for the following:

(i) Intelligence-related activities of the Defense Intelligence Agency;

(ii) Intelligence-related activities of the National Geospatial-Intelligence Agency;

(iii) Intelligence-related activities of the Defense Advanced Research Projects Agency;

(iv) Intelligence-related activities of the National Reconnaissance Office;

(v) Intelligence-related activities of the National Imagery and Mapping Agency;

(vi) Intelligence-related activities of the National Oceanic and Atmospheric Administration;

(vii) Intelligence-related activities of the Department of Energy;

(viii) Intelligence-related activities of the Department of Homeland Security;

(ix) Intelligence-related activities of the Department of Agriculture;

(x) Intelligence-related activities of the Department of State;

(xi) Intelligence-related activities of the Nuclear Regulatory Commission;

(xii) Intelligence-related activities of the Department of Transportation;

(xiii) Intelligence-related activities of the Department of Commerce;

(xiv) Intelligence-related activities of the Department of the Interior;

(xv) Intelligence-related activities of the Office of the Secretary of Defense;

(xvi) Intelligence-related activities of the Office of the National Intelligence Director;

(xvii) Intelligence-related activities of the Office of the Secretary of Energy;

(xviii) Intelligence-related activities of the Office of the Secretary of Homeland Security;

(xix) Intelligence-related activities of the Office of the Secretary of Transportation;

(x) Intelligence-related activities of the Office of the Secretary of Commerce;

(x) Intelligence-related activities of the Office of the Secretary of the Interior;

(x) Intelligence-related activities of the Office of the Secretary of Agriculture;

(x) Intelligence-related activities of the Office of the Secretary of State;

(x) Intelligence-related activities of the Office of the Director of Nuclear Intelligence;

(x) Intelligence-related activities of the Office of the Director of Public Intelligence;

(x) Intelligence-related activities of the Office of the Director of Intelligence Coordination;

(x) Intelligence-related activities of the Office of the Director of National Intelligence;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Intelligence;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Intelligence;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;

(x) Intelligence-related activities of the Office of the Director of National Security;
Amendment No. 3 offered by Mr. TRAFICANT:

The CHAIRMAN pro tempore. The amendment of Mr. TRAFICANT was agreed to.

The Clerk will redesignate the amendment as Amendment No. 3.

Mr. TRAFICANT. The amendment of Mr. TRAFICANT was agreed to. The Clerk will redesignate the amendment as Amendment No. 3.

The CHAIRMAN pro tempore. The amendment of Mr. TRAFICANT was agreed to. The Clerk will redesignate the amendment as Amendment No. 3.
Mr. OBERSTAR. Mr. Chairman, during the consideration of the Intelligence Authorization Act for Fiscal Year 2001; was not recorded on several rollcall votes. Legislation (H.R. 4392) this morning, my vote was not recorded on several rollcall votes.

Had I been present, I would have voted "aye" on rollcall vote 216. Is there no other amendments, 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.

The Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration 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, pursuant to House Resolution 506, 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 the engrossment and third reading of the bill.

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

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001.

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4392, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may
have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4392, the bill just considered and passed. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes. As amended. The Clerk read as follows:

H.R. 297

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

TITLE I—LEWIS AND CLARK RURAL WATER SYSTEM

SEC. 101. SHORT TITLE.
This title may be cited as the "Lewis and Clark Rural Water System Act of 2000".

SEC. 102. DEFINITIONS.
In this title:

(1) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota," dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) INCREMENtal COST.—The term "incremental cost" means the cost of the savings to the project during the first year that the city of Sioux Falls did not participate in the water supply system.

(3) MEMBER ENTITY.—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individuals.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) WATER SUPPLY PROJECT.—
(a) IN GENERAL.—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(b) INCLUSIONS.—The term "water supply project" includes:

(i) necessary pumping, treatment, and distribution facilities;
(ii) pipelines;
(iii) appurtenant buildings and property rights;
(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and
(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply system.

SEC. 103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY PROJECT.
(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands, and water quality conservation in:

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;
(2) Rock County and Nobles County, in southwestern Minnesota; and
(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 108.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until:

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and
(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 104. MITIGATION OF FISH AND WILDLIFE IMPACTS.
Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be selected and incorporated into the project planning and submitted to the Secretary, not less than 90 days before the commencement of construction of the water supply project.

SEC. 105. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall provide the amounts necessary to meet the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) QUALIFICATION TO USE PICK-SLOAN POWER.—For operation during the period beginning May 1 and ending October 31 of each year, as long as the water supply system operates on a not-for-profit basis, the portion of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by the Act of December 22, 1944 (Public Law 665, 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title does not limit the authority for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 107. WATER RIGHTS.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, comprised by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 108. COST SHARING.

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIOUX FALLS.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIOUX FALLS.—The non-Federal cost share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 109. BUREAU OF RECLAMATION.

(a) AUTHORIZATION.—At the request of the Secretary of the Interior, the Commissioner of Reclamation may allow the Secretary of the Interior to provide project construction oversight to the water supply project for the service area of the water supply system described in section 103(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a)(3) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.
SEC. 110. PROJECT OWNERSHIP AND RESPONSIBILITY.
The water supply system shall retain title to all facilities and appurtenances, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.
The Congress is authorized to appropriate the amount necessary to carry out this title $213,887,700, to remain available until expended.

TITLE II—SLY PARK UNIT CONVEYANCE

SEC. 201. DEFINITIONS.
For purposes of this title, the term—
(1) "Secretary" means the Secretary of the Interior;
(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereon; and
(3) "District" means the El Dorado Irrigation District.

SEC. 202. TRANSFER OF SLY PARK UNIT.
(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this title, make in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) PRICE.—The Secretary is authorized to receive from the District $2,000,000 to relieve payment obligations and extinguish the debt under contract number 14-06-200-7734, as amended by contracts numbered 14-06-200-7734A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3607(c) of Public Law 102-575 through year 2020.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

SEC. 203. FUTURE BENEFITS.
Upon conveyance of the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further Federal benefits.

SEC. 204. LIABILITY.
Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE III—TREATMENT OF PROJECT COSTS FOR SLY PARK UNIT

SEC. 301. TREATMENT OF PROJECT COSTS.
To the extent costs associated with the Sly Park Unit, as included as a reimbursable cost of the Central Valley Project, the Secretary is authorized to exclude such costs in excess of those repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facility is operationally integrated into the water supply yield of the Central Valley Project.

TITLE IV—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 401. CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES OUTSIDE CITY OF ROSEVILLE WITH AGREEMENT.
(a) IN GENERAL.—The Secretary of the Interior shall credit an amount up to $1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City") as calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future increased benefits to the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—
(I) the City and the Secretary of the Interior have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and
(II) the Secretary has issued a determination that such facilities are fully operative as intended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Doolittle) and the gentleman from California (Mr. George Miller) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. Doolittle). 1115

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

Mr. Speaker, the gentleman from South Dakota (Mr. Thune) introduced H.R. 297, the Lewis and Clark Rural Water System at the beginning of this 106th Congress. The legislation is designed to provide replacement or supplemental water supplies in the Missouri River Basin in South Dakota, Iowa, and Minnesota, serving in total about 180,000 people, of which approximately 150,000 people reside in Sioux Falls metropolitan area.

The estimated cost of the project is $283 million in 1993 dollars with a 10 percent local cost share based on the willingness-to-pay analysis.

We have been working with the gentleman from South Dakota (Mr. Thune) on a number of the issues. As currently presented, the bill addresses several other issues of concern to the gentleman from California (Mr. George Miller) and me.

Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. Thune), the author of the bill, to more fully explain his legislation.

Mr. THUNE. Mr. Speaker, I do appreciate the opportunity to speak on this bill, which is so important to my State of South Dakota. H.R. 297 would authorize appropriation for construction of the Lewis and Clark Rural Water System which, when complete, will supply water to 22 communities in South Dakota, Iowa, and Minnesota.
the legislation; and on behalf of the people of South Dakota, I thank my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support H.R. 297, the bill to authorize the Lewis and Clark Rural Water System. The Lewis and Clark Rural Water System is designed to provide replacement or supplemental water supplies from the Missouri River to areas in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota serving up to about 180,000 people.

This region has seen substantial growth and development in recent years, and we know that future water needs in the area will be significantly greater than the current available supply. Many residents in the project area have water of such poor quality that it does not meet existing or proposed standards for drinking water. Many communities rely on shallow aquifers as the primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities, including large hog farms. Why do we not clean up the hog farms?

Lewis and Clark Rural Water System will provide a reliable source for supplemental drinking water. I urge my colleagues to support the authorization of this project with a "yes" vote on H.R. 297.

Mr. Speaker, the committee amendment includes several additional provisions affecting water resource activities of the Bureau of Reclamation in Northern California. I have no objection to these provisions.

In fact, I want to thank the committee for including title 3, the "Treatment of Project Costs For Sly Park Unit," which will provide for the Secretary to exclude those costs in excess of the original cost estimates to be repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facilities are integrated into the water supply yield to the Central Valley project.

This will provide a correction of an inadvertent oversight that could prove costly to a number of urban water districts in California. I think that this is a proper resolution of this issue.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 297, the Lewis and Clark Rural Water System Act, which has been reported out of the House Committee on Resources. The Lewis and Clark Rural Water System Act will serve a number of communities in Minnesota, Iowa, and South Dakota. Currently these communities are served by shallow aquifers that are vulnerable to contamination. Many of these towns have tried repeatedly to dig new wells. Unfortunately, they have had little luck.

The area that would be served by H.R. 297 is currently experiencing a drought with no immediate relief in sight. This bill will not alleviate the current crisis but protect the region from the water level uncertainties associated with shallow aquifers in the future. That certainty not only lends peace of mind to local citizens, but is also crucial to the area's economic development plans. The business climate cannot flourish when the water supply is questionable.

The Senate has already passed legislation authorizing the Lewis and Clark Rural Water System Act. Time is of the essence for this project and it is my hope that any differences with the Senate can be quickly resolved.

Mr. Speaker, I again ask my colleagues to support H.R. 297.

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

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the unanimous consent that all Members should be excused, the House, by a recorded vote of the Yeas and Nays, agreed to the passage of the bill, and I now report the same from the Committee on Resources.

The House proceeded to the consideration of H.R. 297, as amended.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 297, as amended.

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

There was no objection.

SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAG IN AMERICAN SAMOA

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 443), expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa, as amended.

The Clerk read as follows:

H. Res. 443

Whereas the people of American Samoa have inhabited the Central Islands of the South Pacific for at least 3,000 years and developed a unique and autonomous seafaring and agrarian culture, governing themselves through their own form of government;

Whereas in 1787, Frenchman Jean Francois

other 200 years because Roggeveen miscalculated the position of his ships; and

Whereas on July 14, 1904, by treaty of cession, His Majesty the King of Manu’a and his traditional chiefs from the Islands of Ta’u, Ofu, and Olosega, agreed to become part of the United States in return for the protection of their land and culture; and

Whereas since that time, the residents of American Samoa have been proud of their affiliation with this great Nation and have demonstrated their loyalty and patriotism in countless ways;

Whereas American Samoans in Hawaii, California, Nevada, Utah, Alaska, Washington, and the other parts of the United States pause each year on this important date to celebrate this monastic occasion in American Samoa’s history;

Whereas on February 13, 1878, a "treaty of friendship and commerce with the people of the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on April 17, 1900, by treaty of cession, the traditional chiefs of the South Pacific Islands of Tutuila and Aunu’u agreed to become part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa; and

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on February 13, 1878, a "treaty of friendship and commerce with the people of the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;

Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;
Whereas during World War II, American Samoa was the staging point for 30,000 United States Marines involved in the Pacific theater, with American Samoans serving both as hosts and as fellow soldiers in these Marines via the revered Fita Fita Guard;

Whereas American Samoa was the first land that astronaut Neil Armstrong set foot on when Apollo missions came to upon returning to Earth—including astronauts from Apollo 10, Apollo 12, Apollo 13, Apollo 14, and Apollo 17;

Whereas American Samoa produces more National Football League players per capita than any other State or territory of the United States, with approximately 15 Samoans currently playing professional football;

Whereas April 17, 2000, will mark the 100th anniversary of American Samoa joining in political, military, and economic union with the United States;

Whereas local government leaders in American Samoa have been preparing for this centennial celebration for the last three years; and

Whereas although 100 years have elapsed since the formation of this mutually beneficial relationship, American Samoans today—as did their forebears in 1900—remain deeply thankful and appreciative of the benefits they have received and continue to receive as a result of the unique relationship American Samoa shares with this country and are proud that in return for the benefits received under this relationship, they actively contribute economically, militarily, and culturally to the health and well-being of this great Nation. Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of the centennial of the raising of the American flag over the United States Territory of American Samoa;

(2) acknowledges 100 years of American Samoa's loyalty and service to the United States; and

(3) reaffirms its commitment to the United States citizens and nationals of American Samoa for improved self-governance, economic development, and the expansion of domestic commerce, consistent with the desires of the people of American Samoa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, I urge my colleagues to support the resolution offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA), which commemorates the centennial of the raising of the United States flag over our South Pacific territory. The resolution also memorializes the long-term United States-American Samoa relationship and reaffirms the United States support for improved self-governance and economic self-sufficiency.

The people of American Samoa have been loyal to the United States for the past 100 years. I believe this resolution is one way to recognize their consistent loyalty, and I urge all Members to approve the resolution.

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

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for his management of this historical occasion. April 17, 2000 marked the 100th anniversary of the first raising of the U.S. flag in the territory that has since become known as American Samoa. As best we can determine, it was some 3,000 years ago that my key ancestors first set foot on the Samoa Islands. As you know, Polynesian navigators did not use satellite navigation, or even sextants to guide them.

They found their way across the vast Pacific by following the stars, the winds, and the seas. In 1768, the French explorer by the name of Louis Antoine de Bougainville, the second European to sight the Samoan Islands, became so impressed with the sailing skills of the Samoans that he named the islands "Samoas." For generations thereafter, the entire Samoan island group was known to the Western world as the "Navigator Islands."

Captain Cook once made the remark that he had never been impressed with the fact that from as far north as the Hawaiian Islands, and as far south as Aotearoa, New Zealand, and as far east as Rapa Nui or the Easter Islands that the settlements were made by Polynesians. Today, Mr. Speaker, with due respect, Columbus lost trying to find the new world and mistakenly named the native inhabitants of the Islands of the Caribbeans as Indians, because he thought he landed in India. At the time of Columbus, we were transversing the Islands of Oceania—Islands that are thousands of miles apart but that form the base of our culture and our traditions.

We had to be good navigators, Mr. Speaker, because Samoa is truly in the middle of the South Pacific Ocean. It is so remote that Europeans did not sight the islands until 1722. It is said that the Dutch explorer, J. Jacob Roggeveen, first sighted the Samoan Islands. I note there here, Mr. Speaker, he did not discover the islands. He just sighted the islands because we were there already. Ironically, though, he miscalculated the location of the islands and they were not seen by another European for another 40 years. Even still, the experts did not believe it was possible for my ancestors to sail the great distances needed to travel between Samoa, the islands of Tahiti, the islands of Tonga, and the islands of Hawaii. But, as so often happens, the experts were proven wrong.

In 1767, Mr. Speaker, I played a small part in demonstrating how my ancestors traveled between the island groups when I sailed on the voyaging canoe Hokule'a. Our navigator for this voyage was a native Hawaiian by the name of Nainoa Thompson, probably our first Polynesia navigator in about 300 to 400 years. Mr. Speaker, he led us unerringly from French Polynesia to the islands of Hawaii using no modern navigational equipment. We were guided only by the winds and the stars and the stars. We ate the fruits of the sea and drank what the good Lord provided through rain.

Mr. Speaker, the experts have reconsidered and Polynesia is once again experiencing a renewal of culture and tradition. You might be interested in knowing that the first real links between Samoa and the United States during the 19th century, when, as part of the internationally authorized Pacific, a U.S. Naval lieutenant by the name of Charles Wilkes visited the island of Tutuila and later reported favorably in support of an establishment of a structured relationship between the islands of Tutuila and the United States.

It was 39 years later before a treaty of friendship and commerce with the people of Samoa was proclaimed ratified. For the next 20 years, there were disagreements between the United States, Germany, and Great Britain over the administration of the Samoa Islands. The three countries tried a condominium approach of administrations set forth in the treaty known as the General Act of 1889, but the effort failed miserably.

In December 1929, a trilateral treaty between these same three countries divided the several islands of Samoa and the agreement was signed in Washington, D.C. Four months later, on April 17, 1930, by treaty of cession, the traditional Chiefs of the Islands of Tutuila and Aunu'u agreed to become a part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa.

In 1904, again by treaty of cession, His Majesty, the King of Manu'a, and his traditional Chiefs of the Islands of Ta'u, Ofu, and Oloaea agreed to become part of the United States in return for the protection of their land and culture.

The United States has honored its end of these agreements, and the Samoan culture remains vibrant and strong in Samoa today. The United States has also protected the territory from foreign invasion when it was threatened in World War II. In fact, American Samoa was a major staging area during World War II for U.S. troops.

Samoans have also been active participants in this U.S.-Samoan relationship. In the early years of the relationship, American Samoa served as a naval coaling station for the United States ships in the Pacific. For decades, American Samoa served as a critical refueling and replenishing fort for military and commercial interests, enabling the United States to pursue its international and commercial policies.

During World War II, the United States foreign powers were aggressively expanding spheres of influence in the Pacific, American Samoa was a staging area for
Mr. Speaker, I want to thank the gentleman from California (Mr. GEORGE MILLER) for his kind comments.

I support the passage of this resolution, which expresses the sense of the House on the occasion of American Samoa's centennial celebration of the raising of the U.S. flag in their territory. I am delighted to be a cosponsor, and I know my other colleagues express their support for this resolution.

Mr. Speaker, I want to thank the gentleman for all of the work that he does in the Congress, not just on behalf of the people of American Samoa and this resolution and so many other activities that he undertakes, but also shoulder a large responsibility in our Committee on Resources, both on many, many Native American issues and on our public lands issues, and I thank him for bringing this resolution to the floor.

Mr. Speaker, today I rise to greet the people of American Samoa with a warm Talofa and offer my support for the passage of H. Res. 443 which expresses the sense of the House of Representatives on the occasion of American Samoa's centennial celebration of raising the U.S. flag in their territory.

This resolution recognizes that the two parties. I am honored to be on this legislation and all those colleagues express their support for the resolution.

So I am pleased to join with the gentleman in his resolution, Mr. Speaker.
Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to thank my colleague, the gentleman from New York, for his kind comments.

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

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 443.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to express my thanks to the gentleman from Alaska, Chairman Don Young, and the gentleman from American Samoa, Mr. FALEOMAVAEGA, for bringing H. Res. 443, the Centennial Raising of the American Samoa, to the floor of the House of Representatives today.

The United States first made contact with the Samoan Islands in 1839 as a part of a congressionally authorized naval expedition to the South Pacific, led by Commander Charles Wilkes. From this expedition a number of agreements and treaties were formed that resulted in President McKinley issuing an executive order on February 19, 1900 placing the Eastern Group of Samoan Islands under the control of the Department of the Navy, establishing authority to the United States to give the islands protection.

On April 17, 1900 the leaders of the Islands of Tutuila and Anu'u signed instruments of cession to the United States, and the United States flag was raised at the United States naval station. Roughly four years later the King of Manu'a and the chiefs of the Manu'a Islands that now comprise the easternmost islands of American Samoa signed the last instrument of cession. In 1929 Congress recognized these acts of cession in law and delegated the authority for the administration of the islands to the President of the United States.

As Japan began emerging as an international power in the mid-1930's, the U.S. Naval Station on Tutuila began to acquire new strategic importance. By 1940, the Samoan Islands had become a training and staging area for the U.S. Marine Corps. It was this massive influx of Americans that gave Samoans a sudden taste of the benefits of a modern western society.

With the world watching, John Paul II celebrated his 80th birthday, and Saint Paul's observation is an appropriate summary of Karol Wojtyla's extraordinary trajectory on this earth, from the small town of his birth in Southern Poland, Wadowice, through the war years in Cracow, leadership of Cracow's Archdiocese during the difficult Communist times, finally to the Ministry of Peter in Rome. In this journey, he left an indelible mark on his Church and the history of our times.

With the world watching, J. Paul II has begun to show burdens of age, but he has lost none of the extraordinary vigor that has characterized the 21½ years of his Pontificate, one of the longest in church history.

On New Year's eve, for instance, he celebrated a long, formal Te Deum in Saint Peter's basilica, had dinner in his quarters with Vatican aides and friends, after which they all sang carols. At midnight, he appeared in his window and delivered his traditional New Year's greeting to an adoring crowd in Saint Peter's Square below.
Then he celebrated yet another mass, his first of the new millennium, in his private chapel. His staff was exhausted, but by the next morning he was in another basilica in Rome leading another mass.

From the moment he became a priest in Cracow, Karol Wojtyla has conceived his role as a pastor, a representative of Christ on Earth who has to be seen by the faithful. Since he became Pope in October of 1978, he has made 92 pastoral trips abroad to 123 countries and territories, including the West Bank and Lebanon, carrying the message of God to more people than any other Pontiff before him.

This year alone, he has been to Mount Sinai in Egypt, followed in Christ’s footsteps in the Holy Land, and prayed at the Shrine of the Virgin Mary in Fatima, who he believes interceded to save his life when he was shot in Saint Peter’s Square in 1981.

As a leader of a billion members of his faith, John Paul II is generally considered our religious head in the world. But his moral authority goes beyond his church. It extends to all who seek a message of love and compassion, of dignity that defies materialism, of freedom of thought unstrained by political oppression.

Above all, he has urged people all over the world never to give up hope. He likes to recall that his first words in Saint Peter’s Square were an echo of Christ’s exhortation, “Be not afraid.” Wherever he has traveled, John Paul II has championed human rights and individual dignity, both of which, in his view, include freedom of worship. With this definition of liberty, he turned the Church in his native Poland into a protector, not only of Catholics but of all citizens oppressed by communism, no matter their religion, if any. In so doing, he helped discredit the Communist system in Poland and bring about its downfall elsewhere in the world.

It used to be said in Poland that while he was the Archbishop of Cracow, the country’s Communist leaders considered him their greatest threat. Likewise, in Moscow, once he became Pope. It is no accident that China’s leaders have so far refused to allow him to conduct a pilgrimage in their country.

In traveling the world, John Paul II has reached out to the other great religions. Last month, he sought to bridge the historic divide between Christians and Jews. In a gesture of breathtaking eloquence in its simplicity, he placed a sheet of paper in a crack in Jerusalem’s Western Wall: “God of our fathers,” he wrote, “we are deeply saddened by the behavior of those who, in the course of history, have caused these children of yours to suffer; and asking your forgiveness, we wish to commit ourselves to genuine brotherhood with the people of the covenant.”

To exemplify that personal compassion, an elderly Israeli woman came forth during this historic pilgrimage. She recalled how she was one of the lucky ones who survived Hitler’s concentration camps. Upon her release in 1945, she was placed on a train to return to her home in Cracow. When she arrived, barely able to stand, with hardly any flesh on her bones, she stumbled onto the station platform, and there a strong young man in priestly garb carried her two miles to a place where she could be nurtured back to health. The priest was Karol Wojtyla.

In times singularly bereft of leaders of high moral stature, John Paul II stands out, a Pontiff whose presence fills the great basilica of Saint Peter and radiates out beyond. In voting for this Congressional Gold Medal, we are honoring a historic figure, an individual whose conviction and morality have infused mankind with renewed self-confidence.

In closing, I would like to quote these words by John Paul II: “I think express his soaring nobility: “At the end of the second millennium, we need perhaps more than ever the words of the risen Christ: ‘Be not afraid!’ Man who, after Communism, stood up who truly has many reasons for feeling this way, needs to hear these words. Nations need to hear them, especially those nations that have been reborn after the fall of the Communist empire, as well as those nations from outside. Peoples and nations of the entire world need to hear these words. Their conscience needs to grow on the certainty that Someone exists who holds in his Hands the key to death and the netherworld. Someone who is the Alpha and the Omega of human history, be it the individual or collective history. And this Someone is Love, Love that became man, Love crucified and risen, Love unceasingly present among men. It is Eucharistic Love. It is the infinite source of love. He alone can give the ultimate assurance when He says ‘Be not afraid!’”

Mr. Speaker, John Paul II has sndered depitism and ennobled faith by displaying to fellow mortals the courage of conviction.

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

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

Mr. Speaker, I rise in support of H.R. 3544, Mr. Kanjorski’s legislation. They have been called to the White House on a meeting. But for that, they would surely be here in support to make this presentation by our side.

Mr. LAFAULCE. Mr. Speaker, I am proud to rise today to honor a man whose enduring contributions to humanity will forever be etched in history: His Excellency, Pope John Paul II. As a spiritual leader of 1 billion Catholic Christians all over the world (millions of them in the United States), and an inspiring force for peace to people of all faiths, it is only fitting that we pay tribute to the Holy Father’s...
remarkable contributions to humanity. Pope John Paul II has touched the lives of many and continues to be a powerful and enduring force in fostering peace among nations, and in reconciling the three great religious faiths of the children of Abraham: Christianity, Judaism, and Islam. I am proud to stand in front of the House today, joining Catholics from my district, the U.S., the rest of the world, and people of all faiths, in recognizing this remarkable man’s monumental contributions to humanity.

Karol Joseph Wojtyla was born 80 years ago in an industrial town near Cracow in Poland. In fact, the Holy Father just celebrated his 80th birthday this past Thursday, May 18th, during which he celebrated Mass, ate lobster with senior clergy in the Vatican, and sang songs with Polish compatriots. As a teenager during the Second World War, Karol Wojtyla experienced, first-hand, the horrors of Nazism, the Holocaust, and soon thereafter, Communist totalitarianism. “I have carried with me the history, culture, experience and language of Poland,” said the Pope once. “Hav[ing] lived in a country that had to fight for its existence against the aggressors and their neighbors, I have understood what exploitation is. I put myself immediately on the side of the poor, the dispossessed, the oppressed, the marginalized and the defenseless,” said the Pope.

After considering a career as an actor, and even petitioning three times to become a Catholic monk, he was persuaded by the then-Archbishop of Cracow—who recognized his charisma, oratorical talents, and potential to help people directly—to pursue the priesthood. He was ordained as a Catholic priest in 1946, became Archbishop of Cracow in 1958, Cardinal in 1967, and was elected Pope by the Vatican’s college of Cardinals in 1978 at the age of 58—the first non-Italian Pope since 1522.

The Holy Pontiff, by his own description, is a moral leader who believes in the sanctity of the human being. Over the years, he has denounced the excesses, and affronts to human dignity, of the two major competing social systems of the 20th century, communism and capitalism. He has condemned the atheistic and dehumanizing forces of Communism, which he experienced in Poland. And he has denounced the more unsavory aspects of modern capitalism, such as greed, abject poverty, selfishness, and secular atheism. According to his spokesman, the Holy Pontiff’s goal is to establish a mode of Christian thinking to serve as a meaningful alternative to the humanist philosophies of the 20th century, such as Marxism and post-Modernism. His moral philosophy, and its impact on world affairs, earned him a place in the Time magazine’s Man of the Year of 1994, which described him as “The most tireless moral voice of a secular age.”

Pope John Paul II’s moral philosophy has brought much needed attention to the plight of the world’s poor. In this vein, the Pope has called for substantial reduction or outright cessation of the international debt that seriously threatens the future of many of the poorest nations. Inspired in part by the Pope’s example, we are proud to have contributed to the enactment of international debt relief legislation last year. This legislation, facilitated by the Jubilee 2000 Movement—through which the Holy Father has nurtured meaningful ecumenical cooperation.

Pope John Paul II has already left us a substantial body of written work that will nourish future generations with the wisdom and benevolence of this moral philosophy. In fact, his writings fill nearly 150 volumes. Through his encyclicals, homilies, letters, and other writings, the “Pope of Letters” has inspired the world to agriculture. He has defied the world to the principles of human dignity and human rights. In 1994, his popular volume of philosophical and moral ruminations, Crossing the Threshold of Hope, became an immediate best-seller in 12 countries.

The most traveled Pope in history, Pope John Paul II has brought his message of peace and reconciliation to 117 countries. In his most recent visit to Israel, for example, the Holy Father prayed at the Western Wall, one of Judaism’s holiest sites. His prayer, an unprecedented act of contrition on behalf of Catholic Christians, read as follows: “We are deeply saddened by the behavior of those who in the course of history have caused these children of Yours to suffer and, asking Your forgiveness, we wish to commit ourselves to the self-sacrifice, the suffering, and the покрешение of the Covenant.” And how can we forget his groundbreaking trip to Cuba in 1998? On that papal visit, he condemned the dehumanizing and immoral aspects of both Cuban communism and the outdated—and senseless—U.S. trade embargo. His words echoed in the farthest corners of the world.

Pope John Paul II understands one of the most fundamental principles that has become a hallmark for fostering reconciliation: forgiveness. In one of the most remarkable acts of forgiveness ever witnessed publicly, the Holy Father confronted the man that attempted to assassinate him and forgave him for his grave sin.

The Holy Father’s acts of compassion stem from his inherently benevolent nature. His compassion, charisma and moral authority are celebrated by leaders of other faiths. For instance, the Dalai Lama, the spiritual leader of the world’s Buddhists, has said of the Pope: “He really has a will and a determination to help humanity through spirituality. That is marvelous. I am moved by the nobility and the courage that he has, and I think it is for leaders on these issues.” Rev. Billy Graham, a spiritual adviser to many U.S. presidents, has also said about the Pope: “He’ll go down in history as the greatest of our modern Popes. He’s been the strong conscience of the whole Christian world.”

Mr. Speaker, when Pope John Paul speaks, whether to those gathered at St. Peter’s Square at the Vatican, or in a Mass delivered in the backwaters of Cuba, the world listens. The world listens because he is the most powerful advocate for human rights, an apostle for peace, social justice, a champion of the poor, and a harbinger of peace. I urge the Congress to move swiftly on this legislation, so that we can bestow this well deserved gold medal to His Holiness Pope John Paul II, at the dawn of the New Millennium and the Jubilee 2000 celebration.

Mr. KANJORSKI. Mr. Speaker, I rise to express my strong support for H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. I am a co-sponsor of this notable legislation. It would award Pope John Paul II with this gold medal in recognition of his many powerful and enduring contributions to international peace and religious understanding. This bill is also necessary to honor a man who has served not only as a spiritual leader to Catholic Christians in the United States and around the World, but also as a political champion for human rights.

In the more than 20 years of his papacy, John Paul II has been an exemplar of the world through his message of tolerance, peace, and non-violence. His support of the Solidarity trade union in his native Poland in the early 1980s, combined with his unwavering support of Catholics living in the former Soviet Bloc nations and his steadfast opposition to the regimes of regimes professing their beliefs, contributed immeasurably to the eventual collapse of those oppressive systems.

Pope John Paul II has additionally been a tireless worker for international peace, traveling hundreds of thousands of miles in order to share his spiritual messages with millions of individuals like myself. In October 1995, during his visit to the United States and the United Nations, I had the opportunity to meet with the Pope John Paul II and learn firsthand more about his work.

The Pope’s efforts have also proven instrumental in virtually all of the world’s major conflicts of the past two decades. He brought his message to Central America in the 1980’s during its period of revolution and bloodshed. He spread his message to the South Africa, tribal war in Central Africa, and genocide in the Balkans. In an effort to relieve them of their pain, he has traveled to these places to show them the shares in their loss and despair. Most recently, Pope John Paul II served as counsel in bringing together Israelis and Palestinians in a non-denominational effort to cease the brutal conflict that has plagued these two peoples for far too long.

This legislation is appropriate in light of the fact that many entities around the world that have similarly honored the Pope. From being designed as the Time Magazine’s “Man of the Year” in 1994 to serving as the namesake of a Catholic grade school in my hometown of Nanticoke, Pennsylvania, Pope John Paul II has received many honors. I coincidentally have the good fortune of being visited today by 28 students in the graduating 8th Grade class at Pope John Paul II School. I am therefore very pleased that we are at this time taking up this legislation to honor the great man for whom their institution is named.

Mr. Speaker, in recognition of his 80th birthday and his leading the Catholic Church into its Third Millennium, we should acknowledge the important accomplishments Pope John Paul II has made to our World during his lifetime. I encourage all Members of the House to support this bill.

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

Mr. LEACH. Mr. Speaker, let me thank my distinguished friend, the gentleman from Minnesota (Mr. VENTO), for his thoughtful observations.

Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from New York (Chairman GILMAN). Mr. GILMAN asked and was given permission to resubmit and extend his remarks.

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

Mr. Speaker, I am pleased to rise; and it is an honor and privilege to associate myself with the legislation offered by the gentleman from Iowa (Mr.
I indicated. If he had been here, the edly summoned to the White House, as support of the bill and was unexpect-
hoping, as I said, to be here to speak in Pennsylvania (Mr. KANJORSKI), was that my colleague, the gentleman from
self such time as I may consume.
medal in Pope John Paul's memory is John Paul II has been an inspiration to
lowed his full recovery.
honed by a lifetime of athletics, al-
months, his steely courage, coupled
what he observed and what he learned
during World War II, that inspired him
to enter the priesthood. He was or-
danced on November 1, 1946 and, in Oc-
tober 1978, was elected the first non-
Italian Pope since 1522, taking the name John Paul II to honor his three immediate predecessors.

In 1981, His Holiness was a victim of a dastardly assassination attempt. Al-
though he was hospitalized for 2½ months, his steely courage, coupled
with his splendid physical condition honed by a lifetime of athletics, al-
lowed his full recovery.

Throughout the 22 years, Pope
John Paul II has been an inspiration to
all of us and is universally beloved.
Mr. Speaker, the coinage of a gold
medal in Pope John Paul's memory is an appro-
iate way to begin this new century. I urge our colleagues to fully support this measure.
Mr. VENTO. Mr. Speaker, I yield my-
self such time as I may consume.
Mr. Speaker, I wanted to mention that my colleague, the gentleman from
Pennsylvania (Mr. KANJORSKI), was hoping, as I said, to be here to speak in support of the bill and was unexpect-
edly summoned to the White House, as I indicated. If he had been here, the gentleman from Pennsylvania (Mr. KANJORSKI) would have mentioned that Pope John Paul II is the namesake of a Catholic school in his hometown of Nanticoke, Pennsylvania.

Coincidentally, he has the good fortune to be co-teacher today by 28 stu-
dents in the graduating 8th grade class at Pope John Paul II School, who may have been here earlier but may have had to leave.

In any case, I wanted to mention that.
Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and
was given permission to revise and ex-
tend his remarks.)
Mr. FALEOMAVAEGA. Mr. Speaker, I, too, would like to stand here to ex-
tend my warmest congratulations and expression of appreciation to the chair-
man of the committee, the gentleman from Iowa (Mr. LEACH), for his leadership in bringing this important legisla-
tion before our colleagues for their ap-
proval.
I also want to thank our ranking
member, the gentleman from New York (Mr. LAFALCE), and our good friend, the gentleman from Minnesota (Mr. VENTO), for this legislation.
Mr. Speaker, it is only appropriate that we honor one of the greatest spir-
tual giants of the world today, Pope
John Paul II but not only because he is a spiritual leader to some one billion Catholics around the world but also for
expression of appreciation to the chair-
man of the committee, the gentleman from Iowa (Mr. LEACH), to award the Congressional Gold Medal to Pope John Paul II.

Pope John Paul II was born in Poland on May 18, 1920, and is the most recognized person in the world. He is by far the most traveled Pope in the 2000-year history of the Roman Catholic Church, having visited almost every continent and country where he personally addressed tens of millions of people on almost each visit.

Pope John Paul II is one of the most important statesmen, diplomats, and political figures of our time. But he is far more. He is a spiritual leader, statesman, evangelist, and witness of Christianity. As spiritual leader to the world's one billion Catholics, the Pope has com-
A gesture to our majority leadership by ex-
tending an invitation to Pope John Paul II to have a joint session of the Congress and have this great leader ad-
dress us, because I think we all need his guidance and certainly some of the examples that he will share with us, and perhaps a few words or a sentence can be added into this resolution to ex-
tend that invitation to Pope John Paul II to address this great body and to our Nation.

Mr. Speaker, again, I want to thank
my good friend, the chairman of the committee, for his leadership in bring-
express of appreciation to the chairman of the committee, for his leadership in bring-
express of appreciation to the chairman of the committee, for his leadership in bringing this effort to the floor and urge my colleagues to support this bill.
Mr. VENTO. Mr. Speaker, I am pleased to yield 4 minutes to the gentle-
man from Alabama (Mr. BACHUS), who has been a leader on our leaders on his debt relief program championed by the Jubilee 2000, which is, of course, one of the major initiatives of Pope John Paul II.
and ethical issues that plague modern society. John Paul II's pastoral leadership gives hope and courage for millions of Catholics and countless others in America who struggle to sanctify their lives in the midst of the modern secular world.

In conclusion, Mr. Speaker, there is no question the Pope has been a beacon of light and witness to hope for countless millions. It is only appropriate to recognize these accomplishments and to show our appreciation by awarding him the Congressional Medal of Honor.

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

I want to belatedly wish the Pontiff a happy birthday. His 80th birthday was last week. This is an appropriate way for us to recognize that as well. We hope he has many more.

Mr. SMITH of New Jersey. Mr. Speaker, today we honor Pope John Paul II, who in his 20 years as leader of the Catholic Church has become pastor to the world, boldly proclaiming the Gospel of Jesus Christ and its message of love, hope, and reconciliation.

The Holy Father walks the path to peace that surpasses understanding, the road that leads to Heaven. How appropriate it is that we honor him with a Congressional Gold Medal, as he just celebrated his eightieth birthday last week. Even after eight decades of doing the Lord's work here on earth, the Pope's charisma and steadfast faith shine brightly, giving hope to millions of people of all faiths.

During his pontificate the Holy Father has made an astonishing 176 visits to 117 different countries, he speaks some eight languages, and has written 13 incisive encyclicals. He is truly a world leader, and an unparalleled champion of those who cannot speak for themselves: the poor, the unborn, those condemned to death, and those whose basic rights as children of God are trampled upon by oppressive regimes. He waged an unrelenting crusade against the forces of atheistic Communism, and continues to preach the message of life, hope, and love amid the oppressive regimes. He waged an unrelenting war against the hated, the acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place.

Pope John Paul II's encyclical “The Gospel of Life” (Evangelium vitae) reminds all of us—especially those in public service—that the gift of human life is so precious, so full of dignity, that it must remain inviolable and be defended against all manner of violence.

The Pope writes in that important document that:

This is what is happening also at the level of politics and government: the original and inalienable right to life is questioned or denied by the basis of parliamentary vote or the will of one part of the people—even if it is the majority. This is the sinister result of a relativism which reigns unopposed: the will of the stronger part.

In the Kingdom of God, that civilization of life which John Paul II has so fervently sought to build, there is no place for the systematic killing of unborn children.

My family and I have had the awesome privilege of meeting the Holy Father: in Newark, New Jersey, in the crowd in 1979 at New York's Shea Stadium, and most recently in Guatemala. I have personally witnessed and been inspired on numerous occasions by his powers that come from being so rooted in God, and so devoted to the service of others.

Pope John Paul II is truly the Vicar of Christ on earth, a man who has, and continues, to faithfully and courageously walk in the shoes of the Fisherman, Peter.

It is said that the Holy Father has had no personal bank account since being ordained a priest over 50 years ago. He has truly stored up treasure in heaven, and we are all better for his untiring work here on earth.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of legislation, H.R. 3544, that would provide a Congressional Gold Medal, on behalf of Congress, to Pope John Paul II.

As a co-sponsor of this legislation and a member of the Subcommittee on the Domestic Economy of the Committee on Banking and Commerce, I believe that this Congressional Medal would be an appropriate honor for Pope John Paul II who has served as the leader of the Catholic Church since 1978.

In order to be fiscally prudent, this legislation also includes a provision stipulating that the cost of this medal should come from the Numismatic Public Enterprise Fund and cannot exceed $30,000. In addition, this legislation authorizes the sale of duplicate coins to be deposited into the Numismatic Public Enterprise Fund to repay it for this donation.

On May 18, 2000, the Holy Father celebrated his 80th birthday. This Congressional Medal will help ensure that Pope John Paul II receives recognition for the public service that he has provided to all Catholics around the world. From his boyhood home of Krakow in Poland, Pope John Paul II has never forgotten his roots. As a young man during World War II, he witnessed the deportation of tens of thousands of Polish Jews and Christians to Nazi death camps. This experience made an indelible impression on the man who would become Pope John Paul II. Just this year, in his first trip to the Holy Land, he eloquently addressed survivors of the Holocaust.

At Israel's Holocaust memorial, Yad Vashem, Pope John Paul II assured the Jewish people that the Catholic Church is deeply saddened by the horror and the human suffering displayed by anti-Semitism directed against the Jews by Christians at any time and in any place.

Pope John Paul II has made great contributions to mankind. For example, this year the Holy Father lead an effort to reduce the pov- erty among the poor by calling for the reduc- tion or outright cancellation of the international debt that is burdening the world's poorest na- tions as part of the Jubilee 2000 project. I am pleased that Congress, with my support, in- cluded this international debt relief legislation in last year's omnibus appropriations bill. This legislation allows developing nations to have much of their debt forgiven and instead invest their scarce funds to rebuild domestic health and education programs.


Pope John Paul II worked tirelessly with the Solidarity Movement in Poland to oppose communism. In 1980 and 1981 he met with Lech Walesa of the Polish Independent Syndicate Solidarnosc. He also traveled to Poland on several occasions to encourage democracy in his birthplace. In 1991, he met with Lech Walesa again, as the new President of the Polish Republic.

Pope John Paul II has also worked tirelessly to bring his message of peace and reconcili- ation to the world. In 1969, he visited the parish of Corpus Domini and made a visit to the Jewish Community and the Synagogue in the Kazimierz section of Krakow. He has traveled to 117 countries to pray with Catholics around the world. He recently traveled to Jerusalem in Israel to the Western Wall. In 1998, he traveled to Cuba to celebrate mass with that nation's Catholic parishioners.

I urge my colleagues to support this initia- tive to honor Pope John Paul II, the Holy Fa- ther, with a Congressional Gold Medal.

Mr. BLILEY. Mr. Speaker, I am proud to co-sponsor and support H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. Over the years, Pope John Paul II has become one of the world's greatest moral and spiritual forces of all time. I admire His Holiness' efforts to foster peace and promote justice, freedom, and compassion throughout his life. In his travels around the world, Pope John Paul II has inspired millions of people of all faiths and races because of his strong desire for peace and brotherhood.

I had an opportunity to attend a private mass with His Holiness. Afterwards, His Holi ness remarked to me, “Congressman, God bless Ronald Reagan.” Those five words speak volumes about a collaborative partner- ship between Pope John Paul II and President Reagan to rid the world of the evils of Soviet communism.

Without the help of His Holiness, America and her allies would not have been successful in our efforts to free the world from Soviet communism. Millions of citizens around the world owe Pope John Paul II a debt of grati- tude for his valiant efforts.

I thank His Holiness for his life and apostolate because he is a man of peace whose words for a more just society inspire us all. His Holiness is a deserving recipient of the Congressional Gold Medal because he has done so much to help our troubled world.

Mr. REYES. Mr. Speaker, I rise in support of awarding the Congressional Gold Medal to Pope John Paul II. It is difficult to talk briefly about a man who has done so much since being elected to succeed Pope John Paul I in 1978. So, let me make these few comments. Pope John Paul II has worked tirelessly to help people struggling with different religions, regardless of their color or their politics. He did this as a youth, as a pro- fessor at Catholic University of Lublin, as the
Archbishop of Krakow and continues to do so as the head of the Roman Catholic Church.

He is said to be the most recognized man in the world. In fact he was named “Man of the Year” in Time magazine in 1994. But, that is not why I stand before you. I stand before you because this man has dedicated his life to the salvation of others.

I still remember when he was chosen by the College of Cardinals. There was a great deal of discussion about him, not because he was selected to become the Pope, but rather because he was the first non-Italian Pope since 1522 and because he was only 58 years old. Now, twenty-two years later, neither his birth place nor his age are part of the discussion. I think that there is a lesson for all of us in that fact.

I support this award because Pope John Paul II has reached out to the people of this planet. He encourages fraternity and encourages people to live the gospel. And, in the final analysis, he has made the world a better place for us to live. I cannot think of a better reason to give this or any award.

Mr. KNOLENEBERG. Mr. Speaker, I rise today to honor a great man, Karol Jozef Wojtyla. Now known to the world as Pope John Paul II, this leader of the Catholic Church has championed the cause of promoting human rights and eliminating poverty and hunger around the world. Called by some the man of the century, John Paul II has been unafraid to articulate his vision of a better world and has the passion and integrity to work toward that goal. The bottom line in the debate over the nature of truth and freedom, he argues, is the sanctity of all humans who are created equal and are endowed by their Creator with certain unalienable rights, including life and liberty—as written in our own Declaration of Independence.

He was also a key figure at a pivotal juncture in world history. As a Cardinal in Poland, he was a shrewd and unflinching opponent of communism, advancing the church’s agenda without allowing outright hostility and repression to develop.

As Pope, his support of the Solidarity movement was instrumental in the downfall of the government.

Today, just over nineteen years after a would-be assassin shot him on May 13, 1981, we vote to award Pope John Paul II with the Congressional Gold Medal. I ask all Members and the world to acknowledge his faith, his intellect and his wonderful contributions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. As you know this bill would authorize a gold medal to be awarded to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding.

Born Karol Wojtyla in Wadowice, Poland in 1920, Pope John Paul II has remained a leading champion of human rights around the world, and a strong moral leader for us all. Ordained in 1946, Pope John Paul II spent eight years as a professor of social ethics at the Catholic University of Lublin, Poland. In 1964, he was named the archbishop of Krakow and only two years later was appointed cardinal by Pope Paul VI. As the Archbishop of Krakow, he would prove himself to be a noble and trustworthy pastor in the face of Communist persecution.

On October 16, 1978, Cardinal Wojtyla was elected Pope. He took the name of his predecessors, and became the first Polish leader of the Roman Catholic Church and the youngest Pope in this century. In this capacity—as our society has grappled with serious social questions, Pope John Paul II has dealt with them in such a way to maintain a peaceful and fair world order. In fact, over the last 50 years, he has remained a dedicated servant to the world. Throughout his many travels, he has promoted peace, nuclear disarmament, and the conquering of world hunger among other things. In addition, he has remained a beacon of strength and hope for every world citizen he comes into contact with.

As a result, I fully support this act and urge my colleagues to authorize the Congressional Gold Medal in honor of Pope John Paul II. God bless you and God Bless America.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today as a proud cosponsor and strong supporter of H.R. 3544, to award a Congressional Gold Medal to Pope John Paul II for his outstanding leadership in promoting peace and understanding across the globe. Pope John Paul II is one of the greatest humanitarians of all time and this special award is a testament to his successful life’s work in making the world a better and safer place.

Pope John Paul II has been a revolutionary in the world of faith, and he has been a spiritual leader to over one billion Catholics Christians around the globe. He has served as an inspiration to millions of American Catholics and non-Catholics alike.

Pope John Paul II has led the charge to unify the brotherhood of Christianity, but also to bridge the gaps between all respected religious peoples throughout the world.

Over the years, Pope John Paul II has traveled the world as a “warrior of peace.” His tireless effort to bring people together of different faiths has demonstrated to the rest of the world the wonderful possibilities of the good that can and will prevail when people of diverse, sometimes seemingly bipolar backgrounds begin to listen to one another too long.

From the United States to developing nations, Pope John Paul II has traversed the globe with a message of hope and freedom as our New Economy’s prosperity continues to beat down the plight of poverty.

Pope John Paul II should be commended for his work in promoting democracy and for the demise of communism throughout Europe. Being such an outspoken leader in the battle of good versus evil enabled Pope John Paul II to play a critical role in the debate which lead to the fall of the Berlin Wall. Time and time again, Pope John Paul II spoke up and defended liberty and justice wherever totalitarian regimes have arisen.

Mr. Speaker, thank you very much for bringing consideration of this legislation to the House Floor. Pope John Paul II is a deserving recipient of this special award, as he has been a leader in promoting peace and democracy throughout the world. With that said, I am privileged to join my colleagues in support of awarding Pope John Paul II the Congressional Gold Medal.

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

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

The SPEAKER pro tempore. Mr. LEACH. 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. 3544.

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

There was no objection.

VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes, as amended.

The Clerk read as follows:

S. 1402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the “Veterans and Dependents Millennium Education Act”.

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

Sec. 1. Short title; table of contents; references to title 38, United States Code.
Sec. 2. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 3. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 4. Increase in rates of survivors and dependents educational assistance.
Sec. 5. Adjusted effective date for award of survivors’ and dependents’ educational assistance.
Sec. 6. Revision of educational assistance interval payment requirements.
Sec. 7. Availability of education benefits for payment for licensing or certification tests.
Sec. 8. Extension of certain temporary authorities.
Sec. 9. Codification of recurring provisions in annual Department of Veterans Affairs appropriations Acts.
Sec. 10. Preservation of certain reporting requirements.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment...
or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be to a section or other provision of title 38, United States Code.

SEC. 2. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—(1) Section 3015 is amended—

(A) in subsection (a)(1), by striking "$528" and inserting "$720"; and

(B) in subsection (b)(1), by striking "$429" and inserting "$556".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3015 of title 38, United States Code, for months after September 2002.

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code for fiscal years 2001 and 2002.

SEC. 3. ADDITIONAL OPPORTUNITY FOR CERTAIN VETERANS TO PARTICIPATE IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

"(e)(1) A qualified individual described in paragraph (2) may make an irrevocable election under this subsection, during the one-year period commencing on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

(2) A qualified individual referred to in paragraph (1) is an individual who meets the following requirements:

(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking "subsection (a)" and inserting "subsection (a) or (e)".

SEC. 4. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—(1) Section 3532 is amended—

(A) in subsection (a)(1)—

(i) by striking "$485" and inserting "$720";

(ii) by striking "$365" and inserting "$540"; and

(iii) by striking "$324" and inserting "$432";

(B) in subsection (a)(2), by striking "$485" and inserting "$720";

(C) in subsection (b), by striking "$485" and inserting "$720"; and

(D) in subsection (c)(2)—

(i) by striking "$320" and inserting "$432";

(ii) by striking "$294" and inserting "$384"; and

(iii) by striking "$136" and inserting "$208".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(b) SPECIAL RESTORATIVE TRAINING.—(1) Section 3534 of such title is amended by striking "$364" and inserting "$582";

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3534 of such title.

(c) APPRENTICESHIP TRAINING.—(1) Section 3534(b) is amended—

(A) by striking "$353" and inserting "$524";

(B) by striking "$264" and inserting "$320";

(C) by striking "$175" and inserting "$225"; and

(D) by striking "$88" and inserting "$131".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3534(b) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3534 of such title, subsection (a) of such section shall be applied by substituting—

(A) "$600" for "$485";

(B) "$188" for "$152" each place it appears; and

(C) "$204" for "$16.16".

(3) APPRENTICESHIP TRAINING.Ð(1) Section 3687(b)(2) is amended—

(A) by striking "$533" and inserting "$524";

(B) by striking "$264" and inserting "$320";

(C) by striking "$175" and inserting "$225"; and

(D) by striking "$88" and inserting "$131".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3687(b)(2) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3687 of such title, subsection (b)(2) of such section shall be applied by substituting—

(A) "$437" for "$533";

(B) "$297" for "$264";

(C) "$216" for "$175"; and

(D) "$109" for "$88".

(3) PROVISION FOR ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) Chapter 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

"§3564. Annual adjustment of amounts of educational assistance

With respect to any fiscal year, the Secretary shall provide a percentage increase (referred to as the "nearest dollar") in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

(i) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(ii) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

"§3564. Annual adjustment of amounts of educational assistance

(2) Chapter 36.—Section 3687 is amended by adding at the end the following new subsection:
"(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage increase in the Consumer Price Index, which is the average United States city average for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds.

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1)."

`````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````
knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

(2) A licensing or certification test offered by a State, or a political subdivision of the State, is deemed approved by the Secretary.

(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.-(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for persons required to be made under this part, and that meets the following requirements shall be approved by the Secretary to offer such test:

(A) The organization or entity certifies to the Secretary that each licensing or certification test offered by the organization or entity is required to obtain the license or certificate required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered such tests for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

(C) The organization or entity employs, or contracts with individuals with experience or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

(D) The organization or entity has no disreputable financial interest in—

(i) the outcome of a test, or

(ii) fees that provide the education or training of candidates for licenses or certificates required for vocations or professions.

(E) The organization or entity maintains appropriate records with respect to all candidates who take such a test for a period prescribed by the Secretary, but in no case for a period of less than three years.

(F) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

(G) The organization or entity furnishes to the Secretary a process that has in place a process to review complaints submitted against the organization or entity with respect to a test the organization or entity offers for determining the eligibility for a license or certificate required for vocations or professions.

(H) The organization or entity furnishes to the Secretary the following information:

(i) A description of each licensing or certification test offered by the organization or entity, including the purpose of each test, the vocational, professional, governmental, and other entities that recognize the test, and the license or certificate issued upon successful completion of the test.

(ii) The requirements to take such a test, including the amount of the fee charged for the test, the requisite education, training, skills, or other certification.

(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the manner in which such information with evidence of maintaining or renewing the license or certificate.

(i) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

(ii) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate at tests, and

(iii) the applicability of the test over such periods of time as the Secretary determines appropriate.

(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

(d) ADMINISTRATION.—(1) Except as otherwise specifically provided in this section or part, in implementing this section and making payments under this part for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'education,' respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

(2) The Secretary shall use amounts appropriated to the Department in fiscal year 2001 for readjustment benefits to develop the systems and infrastructure to make payments under this part for a licensing or certification test, such amounts not to exceed $33,000,000.

(3) The Professional Certification and Licensure Advisory Committee.-(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

(A) The Secretary shall appoint five individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee, of whom—

(i) one shall be a representative of the Coalition for Professional Certification,

(ii) one shall be a representative of the Council on Licensure, Enforcement, and Regulation,

(iii) one shall be a representative of the National Skill Standards Board (established under section 503 of the National Skill Standards Act of 1994 (20 U.S.C. 5933)).

(B) The Secretary shall ensure that any individually representing a State or political subdivision of a State or the military services shall have an equal opportunity to be represented on the Committee.

(2) The Committee shall—

(A) advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment such tests may be made under this part, and such other related issues as the Committee determines to be appropriate.

(B) advise the Secretary that a test conducted by an entity is required to offer such a test to individuals that a license or certificate issued upon the successful completion of the test.

(C) Furnishing, as authorized by law, in-
care and treatment in facilities not under the jurisdiction of the Department.

(3) Furnishing recreational facilities, supplies, and equipment.

(4) General and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

(6) Oversight, engineering, and architectural activities not charged to project cost.

(7) Planning, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

(8) Uniforms or uniform allowances, as authorized by sections 5951 and 5952 of title 5.

(9) Aid to State homes, as authorized by section 1741 of this title.

(10) Administrative and legal expenses of the Department for collecting and recovering from any person the cost of providing any facilities under the jurisdiction of the Department as authorized under chapter 17 of this title and Public Law 87-683, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 1395m-1 et seq.).

(e) MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

(1) The administration of medical, hospital, outsourcing, domiciliary, construction, supply, and research activities authorized by law.

(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

(3) Engineering and architectural activities not charged to project costs.

(4) Research and development in building construction technology.

(f) GENERAL OPERATING EXPENSES.—Funds appropriated for General Operating Expenses are available for the following purposes:

(1) Uniforms or allowances therefor.

(2) Hire of passenger motor vehicles.

(3) Hire of temporary staff of the General Services Administration for security guard services.

(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.


(g) CONSTRUCTION.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available for the following purposes, with respect to a project, for the following purposes:

(1) Planning.

(2) Architectural and engineering services.

(3) Maintenance or guarantee period services costs associated with equipment guarantees provided for the project.

(4) Services of claims analysts.

(5) Offsite utility and storm drainage system construction costs.

(6) Site acquisition.

(h) CONSTRUCTION, MINOR PROJECTS.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

(1) Repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

(2) temporary measures necessary to prevent or to minimize further loss by such causes.

(2) A Chapter 1 is amended by adding at the end the following new section:

(116. Definition of cost of direct and guaranteed loans.—

"For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of creating the liability for modifying any such loan, shall be defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 66a).

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

(116. Definition of cost of direct and guaranteed loans.

(b) EFFECTIVE DATE.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2002.

SEC. 10. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INAPPLICABILITY OF PRIOR REPORT REQUIREMENTS TO CERTAIN REPORTS OF THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following sections of title 38, United States Code sections 503(c), 529, 541(c), 542(c), 1036, and 7312(d).

(b) REPEAL OF REPORTING REQUIREMENTS TERMINATED BY PRIOR LAW.—Sections 811A(f) and 8201(h) are repealed.

(c) SUNSET OF CERTAIN REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON EQUITABLE RELIEF CASES.—Section 503(c) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004."

(2) BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORGERY REPORTS TERMINATED.—Section 541(c)(1) is amended by inserting "through 2003" after "each odd-numbered year"

(3) BIENNIAL REPORT OF ADVISORY COMMITTEE ON VETERANS' AFFAIRS TERMINATED.—Section 542(c)(1) is amended by inserting "through 2004" after "each even year"

(4) BIENNIAL REPORTS ON MONTGOMERY GI BILL TERMINATED.—Section 3036 is amended to read as follows:

(1) No report shall be required under this section after January 1, 2005.

(5) ANNUAL REPORT OF SPECIAL MEDICAL ADVISORY GROUP TERMINATED.—Section 7312(d) is amended by adding at the end the following new sentence: "No report shall be required under this subsection after December 31, 2004."

(c) COST INFORMATION TO BE PROVIDED WITH EACH REPORT TERMINATED.—In general.—(A) Chapter 1, as amended by section 92(2)(A), is further amended by adding at the end the following new section:

(117. Reports to Congress: cost information

"Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

(1) a statement of the cost of preparing the report; and

(2) a brief explanation of the methodology used in preparing that cost statement."

(6) The table of sections at the beginning of such chapter, as amended by section 92(2)(B), is further amended by adding at the end the following new item:

(117. Reports to Congress: cost information.

(2) EFFECTIVE DATE.—Section 117 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted to the Secretary of Veterans Affairs after the end of the 30-day period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1402.

The SPEAKER pro tempore. There is objection to the request of the gentleman from Arizona.

There was no objection.

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

Mr. STUMP asked and was given permission to revise and extend his remarks.

Mr. STUMP. Mr. Speaker, the committee amendment to S. 1402 is H.R. 4268, the Veterans and Dependents Millennium Education Act. This bill was favorably reported by Committee on Veterans’ Affairs on May 11.

Last year, the report of the congressional commission on service members and veterans transition assistance, better known as the Principi Commission, indicated that substantial increases in veterans’ education programs are needed. The Committee on Veterans’ Affairs agreed with that assessment. H.R. 4268 would take our first steps to improve veterans’ education benefits as recommended in the commission report. It would increase the Montgomery GI Bill from $536 to $600 per month on October 1, 2000, and to $720 a month on October 1, 2002. Educational assistance benefits for survivors and dependents would be raised at the same amount.

H.R. 4268 would also furnish individuals still on active duty the option to convert to Montgomery GI Bill eligibility if they were eligible for the post-Vietnam era Veterans’ Educational Assistance Program. More needs to be done on this to bring the Montgomery GI Bill benefits in line with the rising cost of education, but this bill is a good start.

We have worked closely with the commission on the legislation, which is paid for under the pay-go requirements of the Budget Act. I want to personally thank the gentleman from Ohio (Mr. KASICH) for his support of this proposal and for work to include it in the budget resolution.

I urge my colleagues to support passage of S. 1402, as amended.
Mr. Speaker, I reserve the balance of my time.

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

First, I want to thank the gentleman from Arizona (Mr. STUMP) for his leadership on this legislation before us today. I am optimistic that the House will enact legislation to increase the Montgomery GI Bill basic monthly benefit and make other improvements to this important veterans' readjustment program. I am also well informed by the gentleman from Mississippi, RONNIE SHOWS, for his determined advocacy for veterans. He is a leader on veterans' educational benefits and health care for our military retirees. On behalf of our veterans, I want to thank him for his leadership on these and so many other important issues.

Mr. Speaker, I also welcome support from the Administration for needed benefit increases in the Montgomery GI Bill. The Administration has proposed to increase the basic monthly benefit to $670 per month effective October 1 of this year. That would provide a very significant 25 percent increase in the monthly benefit.

I think every member of our committee knows that this increase is needed, long overdue, and a step in the right direction. The administration's support for benefit increases in the GI Bill is very welcome, and I look forward to working with them in the future.

Last year, the gentleman from Arizona and I introduced separate measures to improve the Montgomery GI Bill. The legislation I authored with the gentleman from Michigan (Mr. DINGELL), H.R. 1071, is cosponsored by 143 Members of the House. H.R. 1071 provides the meaningful increases in education benefits I believe our nation should provide to the women and men who serve our country in the Armed Forces.

More importantly, H.R. 1071 provides the meaningful increase in the GI Bill basic benefit to $670 per month effective October 1, 2000, and $720 per month effective October 1, 2000 and to $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Section three would furnish individuals still on active duty the option to convert to the MGIB or had a zero balance in the MGIB account, the option to pay $2,700 to convert to MGIB eligibility.

Section four would increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 per month effective October 1, 2000, and to $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Section three would furnish individuals still on active duty the option to pay $2,700 to convert to MGIB eligibility.

Section five would permit the award of Survivors' and Dependents' Educational Assistance payment to be retroactive to the date of VA's adjudication of a service-connected death or a 100% disability rating. Section six would solve a problem that faces a small number of students whose schools have different schedules. It would allow for monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks in duration. Section seven would allow the use of Montgomery GI Bill educational benefits to be paid between term, quarter, or semester intervals of up to 8 weeks in duration. Section seven would allow the use of Montgomery GI Bill educational benefits to be paid between term, quarter, or semester.
benefits to pay for fee associated with a veteran’s civilian occupational licensing or certification examination.

To offset the costs of H.R. 4268, section eight of the bill as introduced, would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002. These include a VA enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities; VA home loan fees of three-quarters of 1 percent of the total loan amount; procedures applicable to liquidation sales on defaulted home loans guaranteed by VA; VA/Department of Health and Human Services income verification authority in which VA verifies the eligibility of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service; and limitation on VA pension on veterans without dependents receiving Medicare-covered nursing home care. In addition, section nine of the bill would codify recurring provisions in annual VA appropriations acts, and section ten would reinstate the requirements that the Secretary provide periodic reports. Specifically, these concern reports on equitable relief granted by the Secretary for veterans entering the civilian labor force. The CINC, U.S. Atlantic Fleet, Admiral Paul Reason, recently reported to the Senate Armed Services Committee that the last three carrier battle groups have deployed with forces below the required manning level. Specifically, the U.S.S. Theodore Roosevelt battle group deployed last year with 9% of its positions unfilled. These are strong indications of a coming readiness crisis, and we must not ignore these disturbing signals.

Many factors have come together to create what could soon develop into a recruiting emergency. First, our thriving national economy is generating employment opportunities for our young people. Additionally, young Americans increasingly see a college education as the key to success and prosperity. In 1980, 74% of high school graduates went to college but, by 1992, that percentage had risen to 81% and is increasing. As a result, the military must compete head-to-head with colleges for high-quality youth. As I have mentioned already, the percentage of young Americans who are interested in serving in the Armed Forces is also shrinking. Make no mistake about it—the strength of our Armed Forces begins and ends with the men and women who serve our nation. Just as education is the key to a society’s success or failure, it is also key to the quality and effectiveness of our military forces—and the MGIB increases included in this substitute budget resolution are a step in the right direction toward providing that key.

Veterans are not using the MGIB benefits they earned through honorable military service, and high-ability, college-bound young Americans are choosing not to serve in the Armed Forces. Significant changes in the program will increase program usage and will enable the military services to recruit the smart young people they need. Accordingly, several bills have been introduced in both the House and the Senate during the 106th Congress that would significantly improve the MGIB. The Senate has twice passed legislation that included numerous changes designed to enhance educational opportunities under the

The study concluded the propensity to enlist is substantially below pre-drawdown levels and, as a result, the services will probably not succeed in recruiting the number of young, high-quality men and women they need in FY 1999. High-quality youth are defined as those who have a high school diploma and who have at least average scores on tests measuring mathematical and verbal skills. The Department of Defense tells us about 80% of these recruits will complete their first three years of active duty while only 50% of recruits with a GED will complete their enlistment.
MGIB, and other bills have been introduced. In the House, MGIB legislation has been introduced by Mr. STUMP, Chairman of the House Veterans' Affairs Committee, Mr. SHOWS, and me, the Ranking Democrat on the Committee. H.R. 4268 is the most likely of these legislative initiatives to be passed by the House and moved forward. Mr. Speaker, we know H.R. 4268 is only the first step that needs to be taken to improve the MGIB program. H.R. 4268 does comply with pay-go and should be enacted by Congress. It will provide real benefits for veterans and their dependents. Mr. Speaker, we urge the House to vote unanimously in favor of the Veterans and Dependents Millennium Education Act.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. I thank the gentleman from Arizona for yielding me this time. Mr. Speaker, I am pleased to rise today in support of the amendment to S. 1402. On April 13, the gentleman from Illinois (Mr. EVANS), and the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, introduced the Veterans and Dependents Millennium Education Act, H.R. 4268, which was the culmination of over 16 months of effort.

Mr. Speaker, I would like to take some time now to be specific about what is in this bill and how it helps almost immediately close to a half a million of our veterans and their families. This excellent bipartisan bill improves the veterans' readjustment and military recruitment aspects of the Montgomery GI Bill. In fact, I believe it builds on the wisdom and foresight of the revered individual and our friend, Sonny Montgomery, who is with us today. Mr. Speaker, the spending associated with the Montgomery GI Bill or who had a zero balance in their MGIB account previously. For a $2,700 buy-in, these individuals will receive full Montgomery GI Bill benefits. We have also structured in the bill the buy-in so service members who retire as of August 31 of this year and later will also be eligible.

We will help about 40,000 survivors and dependents of veterans who died or are permanently disabled as the result of military service, and increase their monthly benefits to go to college from $485 per month to $600 per month effective this October and to $720 per month 2 years in the future. We will also help about 360 veteran-students attending Ohio University and hundreds of veterans at other colleges around the country. These are colleges that take an extended term break between Thanksgiving and New Year's, for example.

This measure would allow veteran-students to be paid for the 40-day term interval just as student-veterans with a 30-day interval or less. Lastly, we will help about 25,000 service members who discharged from the military each year who need a civilian license or certification, or who want to advance their vocation or profession. They will be able to use their Montgomery GI Bill benefits to pay for these examinations, which sometimes average to be $150 each or more. All told, about a half a million, $139,000 veterans, survivors and service members will benefit from this measure during the first year of its enactment.

Mr. Speaker, the spending associated with the bill is budget neutral over 5 years. We have identified offsets by eliminating sunset dates on certain provisions, including veterans home loan fees, liquidation sales on defaulted home loans, authority for VA to access IRS data for determining eligibility for education benefits and limitations on pensions for some veterans in nursing homes who are eligible for Medicaid coverage instead.

Forty-two veteran-students, military service and higher education organizations have supported and endorsed the bill. In closing, this morning's bill is only the first step. Indeed, we had lengthy discussions at the full committee during the markup that it is not all that we want to do, but it is what we can do right now. We look forward to continuing our work with veterans, military, and higher education associations in the partnership for veterans' education to find ways to continue to improve Montgomery GI Bill benefits.

Mr. Speaker, I strongly encourage my colleagues this afternoon to support S. 1402, as amended. I also want to close by thanking the gentleman from Illinois (Mr. EVANS) and the gentleman from New York (Mr. QUINN) who have, with Mr. SHOWS, worked together on the Committee on Veterans' Affairs now for almost 19 years for their enduring commitment on veterans issues. Today's bill we see is an excellent example of their strong bipartisan leadership on behalf of our Nation's service members and veterans. Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).
Mr. Speaker, I am pleased to yield 2 1/2 minutes to the gentlemen from Arizona (Chairman Stump); the ranking member, the gentleman from Illinois (Mr. Evans); and the chairman of the Subcommittee on Benefits (Chairman Quinn) in urging your support for the strong and much deserved bipartisan Veterans and Dependents Millennium Education Act.

Mr. Stump. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. Gilman), the chairman of our Committee on International Relations.

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

Mr. Speaker, I am strong support of S. 1402, the Veterans and Dependents Millennium Act, and I thank the distinguished chairman of our committee on Veterans' Affairs, the gentleman from Arizona (Mr. Stump) for his continual support of our veterans and for bringing this measure to the floor at this time; along with the subcommittee chairman, the gentleman from New York (Mr. Quinn); and the ranking minority member, the gentleman from Illinois (Mr. Evans) for giving us the opportunity to consider this measure.

I want to add my compliments to the former Congressman, the former chairman of the Committee on Veterans' Affairs, Mr. Montgomery, who has been the father and major proponent of the GI Bill. We are pleased he is here with us today.

The purpose of this bill is to bring the various education benefits afforded to veterans to a level more in line with today's increasingly expensive higher education opportunities. Specifically, the legislation increases the monthly Montgomery GI Bill rate from $536 a month to $600 a month, beginning in October of this year. That amount increases to $720 a month starting in October of 2002. The bill also increases survivors and dependents educational assistance, which is so important.

Mr. Speaker, the GI Bill is arguably the most profound and far-reaching piece of legislation the Congress in the 20th Century. It has helped many of us here in the Congress. The program, first implemented after World War II, single-handedly afforded
a college education to millions of working class men and women who served during the war, and, in doing so, it helped to transform America in the post-war years, leading to the baby-boom and the rise in middle-class suburbanization. This measure is the latest of several bills passed in the last 50 years to bring the benefits of the GI Bill to levels that reflect the contemporary costs of higher education. Consequently, current and future generations are going to be able to enjoy the tangible benefits of a college education as a result of their service in the military of their country. Accordingly, I urge my colleagues to support this worthy and timely legislation.

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member on the Committee on Veterans’ Affairs, for all of his hard work on this bill, and appreciate his own bill, which would have benefited the veterans very much. I would like to thank the gentleman from New York (Mr. QUINN) and the Subcommittee on Benefits for the work they have done on this bill. My appreciation is extended to the leadership for allowing us to present this bill today. It is fitting we have a veterans benefits bill on Memorial Day for our ceremonies throughout the country. This is a bipartisan bill, and I urge Members to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1402, The Veterans and Dependents Millennium Education Act. As you know, this bill will assist veterans and their family in attaining enhanced educational assistance.

Since inception in 1944, educational benefits for our nation’s veterans have opened the doors to post-secondary education opportunities for millions. Specifically, The Montgomery GI Bill (MGIB) has been one of our nation’s leading and most effective programs. Millions of our nation’s military personnel and their dependents have been able to afford a post-secondary education, who might otherwise not have been able to if not for the MGIB.

Under the Montgomery GI Bill, military officers accept a reduction in their base pay of $100 per month for 12 months. In exchange, they become entitled to 36 months of education benefits after they complete their period of service or receive an honorable discharge from the Armed Forces.

This bill has enhanced our nation’s competitiveness and military readiness by helping to develop a more educated and productive workforce and assisted the Armed Services in recruiting and retaining the high quality individuals they need to attract the military in the GI Bill. It is a priority to the Secretary of Veterans Affairs, Togo D. West, “new recruits to the Armed Forces cite money for college as the major reason given for enlisting.” As a matter of fact, some 96% of new recruits to the Armed Forces sign up to participate specifically in the GI Bill.

However, despite the wisdom and foresight of this meaningful educational assistance program, the MGIB has lost its effectiveness as both a readjustment and recruitment tool. The amount available under the MGIB is not enough to compensate youth for the time spent and risk involved in military service. In fact, since 1985, about 95 percent of service members have paid $1,200 to participate in the MGIB; nevertheless, only about half of these members actually convert to MGIB benefits. Clearly, the time has come for Congress to intervene and make this bill viable again for our military members, their dependents and our nation.

S. 1402 will make this meaningful program viable once. Specifically, this bill will increase the MGIB from $536 to $600 per month on October 1, 2000, and $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Second, this bill will equip individuals still on active duty, who have turned down a previous opportunity to convert to the MGIB or have had a zero balance in their Post-Vietnam Era Veterans’ Educational Assistance Program (VEAP) account, the option to pay $2,700 to convert to MGIB eligibility. Third, the bill will increase veterans’ educational assistance benefits for full-time students from $485 to $600 per month, and authorize an annual cost-of-living adjustment for them. Finally, S. 1402 will allow MGIB benefits to pay the fee for a veteran’s civilian occupational licensing or certification examination. Nevertheless, I hope this Congress will soon move to fully fund our veterans who desire to seek opportunities for higher education.

I believe that S. 1402 will assist our nation in securing educated and highly skilled military recruits, address our deficit in the future of our military as well. As a result, I urge my colleagues to pass this vital bill and make this worthwhile program viable once again.

Mr. BUYER. Mr. Speaker, I rise in strong support of the amendment offered to S. 1402. This truly bipartisan effort addresses many of the problems service members face with regard to accessing adequate GI bill education benefits.

Over the last several years, veterans and their families have called on Congress to increase and fund education assistance, and equally important, correct the injustices that have prevented many of the VEAP era veterans from receiving GI bill education benefits. Congress, through the leadership of House Veterans Affairs Committee Chairman STUMP and Ranking Member Mr. EVANS have answered their call by offering this amendment. While this legislation may not fully address the concerns of the veterans community, it is clearly another giant step in our continued efforts to improve GI bill education benefits.

I am most pleased, that my colleagues and I on the House Veterans’ Affairs Committee will continue to fight for improved and increased GI bill educational benefits. Leaving the active military can be a very difficult time for veterans and their families. It is filled with uncertainty, apprehension, and trepidation. Unfortunately, the current GI bill education benefit has failed to keep pace with the rapidly changing economy. In fact, many veterans have found that current educational assistance does not meet their transition needs.

Furthermore, many other Federal programs offer far greater benefits for little or no commitment. In fact, veterans educational assistance is one of the few Federal educational benefits that is truly earned with sweat equity, and yes, sometimes blood or loss of limb.

For these reasons, improving GI bill educational benefits and increasing access to these benefits is extremely important. Not only do GI bill educational benefits assist veterans as they transition back into our communities, they also offer far greater benefits for little or no commitment. Therefore, some 96% of new recruits to the Armed Forces cite money for college as the major reason given for enlisting. This bill creates a strong foundation for bringing the educational and training benefits to the level for which our veterans are entitled. We must never fail in our efforts to maintain, enhance, and improve the benefits entitled to
our veteran population. By doing this, we honor their service, and adequately provide for their needs and the recruiting requirements of our Armed Forces.

I therefore stand in support of this bill, and ask my colleagues to join in voting for its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in enthusiastic support of S. 1402, the Veterans and Dependents Millennium Education Act of 2000 which would increase the amount of educational assistance to veterans under the Montgomery GI Bill. This is a bipartisan bill that is long over due and I complement Veterans Committee Chairman STUMP and Ranking Democrat EVANS for their leadership in bringing it to the floor today.

Mr. Speaker, we continue to fail our veterans in repaying them for their service to our country. We send them off to fight in our defense and yet when they return we break many of the promises that were made to them. This bill is a start in the right direction in reversing this trend. We owe our veterans much more than we have been giving them.

If it becomes law, the Veterans and Dependents Millennium Education Act, would increase the current Montgomery GI Bill benefit from $536 to $600 a month on October 1, 2000 for full time students and to $720 on October 1, 2000. There would also be proportional increases for part-time students, as well.

The bill would also increase survivors’ and dependents’ educational assistance benefits for full-time students from $485 to $600 a month starting October 1, 2000 and to $720 a month on October 1, 2000. It would also permit the award of survivors’ and dependents’ educational assistance payments to be retroactive to the date of the service-connected death or award of 100 percent disability rating.

Mr. Speaker, I look forward to the many Virgin Islands veterans being able to take advantage of the increased benefits offered by this bill to further their education. In today’s world where a high premium is placed on our workforce being highly skilled, this bill makes such training and higher education more affordable to our veterans.

Mr. SMITH of New Jersey. Mr. Speaker, today I am proud to be an original sponsor of the Veterans and Dependents Millennium Education Act. H.R. 4268, the chairman and ranking members of the Veterans’ Affairs Committee, and others, have worked tirelessly to craft this important bill in a collaborative and bipartisan fashion.

Passage of the Veterans and Dependents Millennium Education Act will benefit more than 500,000 people immediately, and its increase of Montgomery GI. Bill [MGIB] benefits will get our volunteers back into the recruiting—and retaining—more young Americans to serve our country in uniform. Mr. Speaker, as we prepare to honor those who have died in service to our country on Memorial Day, we must also remember our obligation to help those who continue to defend our country. Increasing education benefits to those who have responded to the call of duty is the least we can do. Under this legislation, Montgomery GI. Bill benefits for full-time students will rise from $536 to $600 per month on October 1, 2000, and to $720 per month on October 1, 2002. The bill also allocates proportional increases for part-time students.

Similarly, H.R. 4268 increases survivors’ and dependents’ educational assistance for full-time students from $485 to $600 per month at the start of fiscal year 2001, and to $720 per month at the beginning of fiscal year 2003. Importantly, today’s bill makes these benefits retroactive to the date of the veteran’s service-connected death or 100 percent service-connected disability rating.

The veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3.9% of 1 percent interest—that I think that MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 98.

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

There was no objection.

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

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 98) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

The Clerk read as follows:

H.J. Res. 98

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy; Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism; Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 1,000,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans; Whereas because of invidious discrimination, many of the courageous military actions of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II; Whereas the motto of the United States, "E Pluribus Unum" (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 23, 2000, and throughout the year 2000. Now, therefore, be it

Resolved by the House of Representatives and the Senate of the United States of America in Congress assembled, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian and Pacific Islander, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II, and supports the goals and ideas of the Day of Honor 2000 in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(2) especially honors those minority veterans who gave their lives in service to the United States during that war; and

(3) encourages the President to proclaim the Day of Honor 2000 to honor and recognize the service of minority veterans with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 98.

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

There was no objection.

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

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 98) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.
Tuskegee Airmen, who flew 15,533 missions in World War II and earned 150 Distinguished Flying Crosses along with other high decorations; the 442nd Nisei Regiment of Japanese-Americans became the most decorated group of soldiers in U.S. history. The Nisei troops overcame considerable prejudice and suspicions while writing one of the most glorious pages in American military history.

Another important story is that of the Navajo code-talkers, many from my home State of Arizona. Few units had more vital duties than these Native Americans, whose unique language helped them to transmit messages that were impossible for the enemy to break. The enemy was never able to decode their messages, which contributed greatly to our final victory.

In the Pacific Theater, the 158th Regimental Combat Team, known as the Bushmasters, an Arizona National Guard Unit, was comprised of a high percentage of Hispanic and American Indian soldiers. This unit saw heavy combat in the Philippines and was referred to by General Douglas MacArthur as "the greatest fighting combat team ever deployed for battle."

Hopefully greater recognition of minority veterans will become a regular part of future Memorial Day and Veterans Day celebrations across this country, as enhancing the magnitude of those two days so special to our veterans.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

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

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

Mr. Speaker, I join with many of my colleagues today to honor and give thanks to America's minority veterans, the soldiers and sailors and men and women of our armed forces and, of course, my fellow Marines. More of the world is free today than ever before, thanks in no small part for their valor and sacrifice half a century ago. We sometimes do not remember that World War II was before the armed forces were desegregated and that process really took us solidly to Vietnam. So there were many years in which the men and women of the armed forces did not serve together on an integrated basis. I think that might be something we should keep in mind.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. STUMP), the chairman of the Committee on International Affairs.

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

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

Mr. Speaker, I am pleased to rise today in strong support of H.J. Res. 98, a measure supporting a day of honor for our minority veterans of World War II. I thank our distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), for recognizing how important this issue is.

As the primary sponsor of legislation to restore benefits that were once stripped away from Filipino World War II veterans by an ungrateful Congress in 1946, I am fully aware of how our Nation has shamefully treated its minority veterans. Simply put, it was so shameful. From Richmond to Saipan, from the Civil War through Korea, before going into action, African American soldiers had to first battle against an ingrained prejudice among white commanders that they were somehow substandard or otherwise incapable of engaging in combat on equal terms as their white counterparts. These veterans always proved their worthiness in battle, only to find this lesson lost on the military command staff by the time the next war broke out.

Even more distressing was the fact that contributions made by African American veterans were soon forgotten or glossed over since the fighting ended. President Clinton should be commended for his initiative to award the Medal of Honor to eight black veterans who had initially been passed over for this commendation.

This legislation also honors the accomplishments of minority veterans made by Hispanic Americans, Asian Americans, and Native American veterans. Of these groups, two specifically bear mentioning. Many Japanese American veterans served with distinction during the Pacific War. They did that despite having their loyalties questioned by many in command, as well as many having their families back home living in internment camps.

Moreover, Native American veterans from several tribes played a vital role as code operators during the Korean War. In this they were naturals, since the chances of any axis code-breakers being fluent in a Native American language was highly remote.

Mr. Speaker, this measure is long overdue, timely, and quite appropriate as we approach Memorial Day. Accordingly, I urge my colleagues to give their full, wholehearted support to this measure.

Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I add my appreciation to the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), and as well to the distinguished gentleman from Illinois (Mr. EVANS), the ranking member of the committee. I first want to pay tribute to them for always advocating on behalf of veterans in a unified and profound way that many across this Nation have recognized.

I think it important, first of all, as we move toward honoring the first Memorial Day in the new millennium to thank all of those families whose loved ones gave the ultimate sacrifice, and we will honor them this coming week. It is important to acknowledge that the legislation that we have before us does not in any way substitute for the great appreciation that Americans have for all of those who gave the ultimate sacrifice and, of course, our veterans whom we honor.

I am very honored to have been able to bring to the floor of the House, with the help of some 91 cosponsors, H.J. Res. 98, which I particularly opportunity came to my attention in my district in Houston with the leadership of Dr. Smith. The ceremony honoring those many minority veterans of World War II, in particular, was a challenge to keep from feeling the emotion that was in that room of veterans who were so very proud of their service, yet asking that we bring to the attention of America that when they did return, they were not given the honor that we so deserved.

So I rise today in support of House Joint Resolution 98 that I introduced on April 12, 2000. I am delighted by the bipartisan support for this joint resolution in both the United States House of Representatives and the United States Senate. The efforts of Representatives such as the gentlewoman from Florida (Ms. BROWN), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Colorado (Mr. SPENCE), the gentlewoman from Arizona (Ms. SOUTHWICK-SWAN), as I mentioned, the chairman of the Committee on Veterans' Affairs, and the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs, have all been instrumental in bringing this resolution to the floor.

I personally come to the floor in honor of my uncles, Eric Jackson, Allan Jackson Bernard Bennett, Sam Jackson, all desert, and my dear friend, lost in action during the time of World War II, and, of course, my very special now-deceased father-in-law, Philip Ferguson Lee, who was one of the honored Tuskegee Airmen.

This joint resolution designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. In fact, the resolution calls upon communities across the Nation to participate in the ranking member of the minority veterans on May 25, 2000, and throughout the year 2000. Because this recognition is long overdue, it is appropriate that we honor and celebrate the
memories of the veterans that served or fought throughout the year.

There are many that deserve thanks for making this day, and I again thank Senator Edward Kennedy of Massachusetts for joining me for introducing an identical resolution in the United States Senate. That resolution passed by unanimous consent in the United States Senate on May 19, and I must say this has certainly been a wonderfully collective effort that has inspired veterans and children alike to follow the lead of this resolution through Congress. I likewise am proud by the superb grass-roots support offered by the Day of Honor 2000 Project, a non-profit organization based in Marlborough, Massachusetts.

Through Dr. William A. Smith’s leadership, the project’s executive director, movement for the resolution took on a life of its own. He traveled across this Nation with an enormously moving film that I hope all of America will get a chance to see and be impacted by it. In his involvement in this effort reflects a greater sense of unity among Americans, that we must make amends for the past and we must do it together.

Mr. Speaker, the resolution is an other way of saying that we have not forgotten those who fought or served in World War II, while simultaneously discriminated against while at home. The resolution brings closure to the families of many veterans, and none of us can ever understand what they went through on behalf of each individual. The Day of Honor 2000 project helped enlist the support of countless Americans to make this resolution possible. Without its support, the resolution would have probably never come to fruition.

Our goal is that the Nation will heal and will have an opportunity to pause on May 25 and throughout the year to express our gratitude to the multicultural, multicultural veterans of all minority groups who served the Nation so well.

When we look to the harrowing days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our veterans gave to their Nation to achieve the Allied victory over Nazism and Fascism. In the 1940s, minority were utilized in the allied operations, just as any other American. In fact, it is well known how many of them rose to the occasion of volunteering and seeking the opportunity to serve in the United States military. They wanted to go and fight for their beloved America.

During the war effort, at least 1.2 million African American citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans, more than 50,000 Asians, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans also served their country in protecting democracy and freedom.

Despite the invidious discrimination that most minority veterans were subjected to at home, they fought honorably along with all other Americans, including other nations. As we have noted in the honor that President Clinton has given to some even in these last years, we realize that some were sent to this world to serve this country by sacrificing their health and subjecting themselves to injuries and yet were not honored when they returned.

An African American was obliged to answer a call to duty, indeed possibly sacrificing his life, yet he or she was often not recognized for the uniqueness of the many times unequal, status back at home.

Too often, when basic issues of equality and respect for their service in the war arose, Jim Crow and racial discrimination replied with a resounding “no.” This is a sad, but very real, chapter of our history. This all happened, of course, before the emergence of Dr. Martin Luther King, Jr. in America. As a Nation, we have long since recognized the unfair treatment of minorities as a travesty, and the enactment of fundamental civil rights laws by Congress over the past half century has remedied the worst of these injustices, and this has given us some hope. I have hope, we all have hope for America as we move toward the 21st century. But, as we all know, we have yet to give adequate recognition to the service, struggles, and sacrifices of the veterans, all of the brave veterans.

For many of these minority veterans, the memories of World War II never disappear. When we lose a loved one, whether it is a mother, father, sibling, child, or friend, we often sense that we lose a part of ourselves. For each of us, the loss of life, whether expected or not, is not easily surmountable.

Minority veterans had to overcome a great deal after the war. They not only came back to a Nation that did not treat them equally, but they were never recognized for the uniqueness of their contributions, they adapted to changes or were the engines of social change, but they have suffered and sacrificed so much that few of us will ever understand.

Veterans are dying at a rate of more than 1,000 a day. It is specially important, therefore, for Congress and the administration to do their part now to pay tribute to these men and women who served so valiantly in World War II. The minority veterans from World War II represent just part of what is being called America’s Greatest Generation. They are American heroes that deserve recognition for these efforts. For this reason, the resolution specifically asks President Clinton to issue a proclamation “calling upon the people of the United States to honor these minority veterans with appropriate programs and activities,” and I ask my colleagues to do so in their respective districts.

Winston Church once said that it is important for all of us to build wisely and surely, not for the moment, but for the years to come. I am very gratified that my freedom was based upon the fact that these veterans served and many sacrificed their lives.

Mr. Speaker, I would ask my colleagues to join us in supporting this resolution, both H.J. Res. 98 and H.J. Res. 44. Might I just add for a moment and say this is a resolution that has helped this come to the fruition that it has come. Oliver Kellman, Mark Carrie, and Earl Smith, in my office worked long and hard on this legislation. Also, the wonderful staff that works with the staff of Carl Commenator, chief counsel and staff director of veterans affairs; Michael Durishin of the Democratic staff; Jeanine McNally, Debbie Smith, Minda Fife, Stoval White, Rene Davidson, Linda Shealy, Craig Metz, Nick Martinelli, all of whom made this very possible, I thank them all. Again, I ask my colleagues to please support this very important resolution.

Mr. Speaker, I rise in support of House joint resolution 98 that I introduced on April 12, 2000. I am delighted by the bipartisan support for this joint resolution in both the United States House of Representatives and the United States Senate.

The efforts of Representatives such as Corrine Brown of Florida, Representative J.C. Watts Jnr., of Oklahoma, Chairman Floyd Spence of South Carolina, Chairman Bob Stump of the Committee on Veterans’ Affairs, and Ranking Member of the Committee on Veterans’ Affairs Lane Evans have all been instrumental in bringing this resolution to the floor.

The joint resolution designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. In fact, the resolution calls upon communities across the nation to participate in celebrations to honor minority veterans.

There are many that deserve thanks for making this day a reality. I want to extend my special thanks to Senator Edward Kennedy of Massachusetts for joining me by introducing an identical resolution in the United States Senate. That resolution passed by unanimous consent in the U.S. Senate on May 19th. I must say this has certainly been a wonderful collective effort that has inspired veterans and children alike who have followed the progress of the resolution through Congress.

I am also proud, of course, by the superb grassroots support offered by The Day of Honor 2000 Project, a non-profit organization based in Marlborough, Massachusetts.

Through Dr. William H. Smith’s leadership, the Project Executive, movement for the resolution took on a life of its own. His involvement in this effort reflects a greater sense of unity among Americans that we must make amends for the past.

Mr. Speaker, the resolution is another way of saying that we have not
forgotten those who fought or served during World War II while simultaneously discriminated against while at home. Mr. Speaker, the resolution brings closure to the families of many veterans. And none of us can underestimate that phenomenon for each individual veteran.

The Day of Honor 2000 Project helped enlist the support of countless Americans to make this resolution possible. Without its support, the resolution would have probably never come to fruition.

Our goal is that the nation will have an opportunity to pause on May 25th and throughout the year to express our gratitude to the veterans of all minority groups who served the nation so ably.

When we look back to the harrowing days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our veterans gave to their nation to achieve Allied victory over Nazism and fascism. In those decades, minorities were utilized in the allied operations just as any other American.

During the war effort, at least 1,200,000 African Americans, 100,000 Filipinos, and more than 3,000,000 men and women of American Indian, Hispanic, and other minority heritage served in the United States Armed Forces in World War II. More than a million African Americans served during World War II. The famed 332nd Fighter Group of the Tuskegee Airmen, who grew wings to serve, was the guest speaker at the service held in my district last Saturday at Reflections, a coffee and book store in my district.

Today, it is altogether fitting that we honor and recognize the service of minority veterans in our armed forces during World War II. All together, some 12 million African Americans served, 300,000 Americans of Asian descent, fighting fiercely in Europe and the Pacific; and 50,000 Asian Americans served during World War II, shoulder-to-shoulder with other Americans, in the common cause of defeating the Axis powers.

The ordinary ground-pounding soldiers served uncommonly well, with great courage, in segregated units.

For many of these minority veterans, the memories of World War II never disappear. When we lose a loved one, whether it is a mother, father, sibling, child, or friend, we often sense that we lose a part of ourselves. For each of us, the loss of life—whether excoriated or not—is not easily surmountable.

Minority veterans had to overcome a great deal after the war. They not only came back home to native that did not treat them equally, but they were never recognized for the uniqueness of their efforts during the war. Like many of us, they adapted to changes or were the engines of social change. But they have suffered and sacrificed so much that few of us will ever understand.

Veterans are dying at a rate of more than 1,000 a day. It is especially important, therefore, for Congress and the Administration to do their part now to pay tribute to these men and women who served so valiantly in World War II.

The minority veterans from World War II represent a significant part of what has been called America’s Greatest Generation. They broke race and social barriers, fought for recognition for their efforts. For this reason, the resolution specifically asks President Clinton to issue a proclamation “calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.”

Mr. Speaker, I urge my colleagues to vote in favor of this resolution. I thank all my colleagues, in both Houses of Congress, for their assistance in helping bring closure to the lives of so many deserving Americans.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Ms. CARSON), a tireless and effective advocate for our veterans.

Ms. CARSON. Mr. Speaker, I thank the chairman of the committee and certainly the gentleman from Illinois (Mr. EVANS), the ranking member, the outstanding veteran himself, and certainly the gentlewoman from Texas (Ms. JACKSON-LEE), for the eloquent, articulate, and thorough presentation on behalf of this needed resolution.

I remember, Mr. Speaker, the heroism of the Buffalo soldiers serving in the vast West as our Nation grew to the Pacific many years ago, a fine tradition.

Today, it is altogether fitting that we honor and recognize the service of minority veterans in our armed forces during World War II. All together, some 12 million African Americans served, 300,000 Americans of Asian descent, fighting fiercely in Europe and the Pacific; and 50,000 Asian Americans served during World War II, shoulder-to-shoulder with other Americans, in the common cause of defeating the Axis powers.

The ordinary ground-pounding soldiers served uncommonly well, with great courage, in segregated units.

The trials and tribulations of the black men who wanted to fly our Tuskegee Airmen, who grew wings to show the way for a generation; the extraordinary valor of our soldiers of African descent, fighting fiercely in Europe and the Pacific; even as many of their families were imprisoned in camps in our West; our Native American code-talkers who used their languages to puzzle and defeat Japanese eavesdroppers, far from their tribal lands. Those who served so well truly deserve our special honor.

Mr. Speaker, the historic result of relative peace for us in these times is, at the same time, a sort of sad fact for America.

Our veterans, no matter their race, color, or national origin, are a minority. Few who benefit from our life and our liberties each day have ever had occasion to serve our flag, have ever put themselves in harm’s way for our Nation.

Mr. Speaker, I stand here today with humility and a deep sense of gratitude for those men and women who fought and who sacrificed themselves for the freedom of this country to preserve the principle of having one nation under God, with liberty and justice for all people.

Mr. Speaker, for our minority veterans, for our veterans’ minority, let us remember the service, the sacrifice of all, especially for this day of honor for minority soldiers.

Mr. Speaker, I am very grateful that I have had an opportunity to speak on this resolution.

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

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

Mr. Speaker, I did an injustice to the Tuskegee Airmen. I misspoke a moment ago when I mentioned 1,500 sorties. Actually, they distinguished themselves by flying 15,533 sorties, and I want to correct the record.

Mr. BLUMENAUER. Mr. Speaker, today the House will vote on H.J. Res. 98, which will designate May 25, 2000 as the Day of Honor to celebrate minority veterans throughout the country. This day will be set aside to recognize the service of African Americans, Native Americans, Asian Americans, and Hispanic Americans in World War II. The service and sacrifice of these men and women is all the more moving because, in many cases, they fought to protect freedoms that they themselves did not fully enjoy.

Today, we understand that part of what makes a community livable is respect for diversity and an appreciation of our differences. Understanding our history, even when it contains difficult memories, is an important part of bridging the ethnic and cultural divisions that still trouble us.

African Americans were the largest group of minority Americans to serve in World War II. More than a million African American men and women served in the United States Armed Forces in the war. The famed 332nd Fighter Group of the Tuskegee Airmen never lost a bomber under their escort to an enemy fighter in 200 missions.

The Day of Honor was celebrated in Portland last Saturday at Reflections, a coffee and book store in my district. African American servicemen from all branches of the United States military were recognized for their sacrifice and heroism on the battlefield. I was especially pleased that Mr. Bolden served with the Tuskegee Airmen and now lives in the district I serve, was the guest speaker at the event. Mr. Bolden trained as a fighter.
pilot with the Tuskegee Airmen, serving his country honorably, and then went on to receive an engineering degree and work for the Federal Aviation Administration and in the private sector.

Another outstanding group of African Americans who served our country in World War II was the 555th Parachute Infantry Battalion, the Army’s only all-African American parachute infantry unit. Born within an armed forces that had typically relegated African Americans to menial jobs and programmed them for failure, the 555th or “Triple Nickels” as they were called, received new orders as the war was drawing to a close—a change of station to Pendleton Air Base in Pendleton, Oregon.

The 555th acquired a new nickname, the “Smoke Jumper,” and they were on emergency call to fight forest fires in any of several western states. Their mission was “Operation Firefly” in which they would parachute into areas where there were suspected Japanese balloon bombs—incendiary devices that had traveled across the Pacific on hydrogen balloons and posed the risk of setting fires and were a danger to the forces. Indeed, a woman and several children were killed by one of these bombs near Bly, in southern Oregon. The Triple Nickels carried out the hazardous mission of locating and disposing of these bombs. Two years later in 1947, the fifth and final unit that integrated the Army when they became members of the 82nd Airborne.

These are just a few of the many examples of sacrifice and bravery displayed by minority veterans in World War II. I’d like to take this opportunity to thank all of our veterans. It is because of them that we were able to exercise the freedoms that are central to our Nation’s character.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of H.J. Res. 98 offered by Congresswoman JACKSON-LEE and sponsored by Senator KENNEDY in the Senate. As a co-sponsor I welcome this long overdue resolution, which calls for a presidential proclamation designating May 25, 2000 as a national Day of Honor for minority veterans of World War II. This resolution is an important and fitting tribute to the tens of thousands of minority Americans who set aside political, economic and social disenfranchisement, to answer the call to arms against the forces of tyranny.

In the early war, many minority servicemen were relegated to serve only in “rear echelon” positions or support positions during the war. They served as munitions men, truck drivers, cooks, stewards, and in cleaning and repair details. Minorities also labored in the factories and farms throughout the United States working towards the war effort. In many cases, when in combat zones, the men in these positions manned weapons and fought honorably side-by-side with white soldiers and sailors during furious engagements.

Later in the war, after much lobbying efforts by minority leaders, combat units were established for minorities. These brave men and women came from all walks of life but were bound by a love of the principles of duty to God and country. They lived in a separate component of American society that was defined by an unfortunate climate of prejudice. African-Americans, Hispanics, native Hawaiians, Chamorros, Samoans, Asian Americans, Filipinos, American Indians, and Native Alaskans all served in capacities with the U.S. military to combat the hegemonic forces of Germany, Italy and Japan.

In segregated units, often led by white officers, these noble men distinguished themselves in combat and proved to the entire nation that they laid down their lives for freedom. The Tuskegee Airmen, the famed 442nd Regimental Combat Team, the 100th Infantry Battalion, the Navaho Code-Talkers, the U.S. Navy’s Fita Fita Guard (a U.S. Navy auxiliary unit in American Samoa), the 1st Samoan Battalion, U.S. Marine Corps, and the Guam Combat Patrol (a U.S. Marine Corps auxiliary unit in Guam) are just a few of the organizations where minorities fought valiantly in some of the most difficult combat assignments anywhere in World War II. This Joint Resolution extends the Afri- can, Hispanic, Asian, and Native Americans, Native Hawaiians and Alaskans, Pacific Islanders and all other minority veterans, especially those who lost their lives. It also authorizes and requests that the President issue a proclamation of the United States to honor minority veterans with appropriate programs and activities. I want to thank both Congresswoman JACKSON-LEE and Senator KENNEDY for bringing this Joint Reso- lution to the floor and ensuring that all Pacific Islanders were included in the language of this bill. We are all humbled and honored by their service and sacrifice. I urge all my colleagues to vote for its passage.

Mr. BENTSEN. Mr. Speaker, as an original cosponsor of H.J. Res. 98, I rise today in strong support of legislation that would honor those minority World War II veterans who served our nation when duty called. On May 25, 2000, the Day of Honor Project, will be honoring those minority servicemen and women made to help our nation during World War II.

It is estimated that more than 1.2 million African-Americans, more than 300,000 Hispanic-Americans, more than 50,000 Asian-Americans, more than 20,000 American Indians, more than 6,000 Native Hawaiians and Pacific Islanders, and 3,000 Native Alaskans served in the Armed Forces during World War II. I believe that these men and women deserve our thanks for courageous service and sacrifice on behalf of our nation. In many cases, these minority veterans did not receive proper recognition or awards for their valor and courage during their efforts.

This Sense of the House resolution is part of the national effort to enlist communities around the nation to honor these World War II minority veterans as part of their Memorial Day celebrations. This legislation also requests that the President of the United States issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

On May 25, 2000, I will be remembering these men and women who gave their lives in service to our nation. As we all remember, freedom is not free and we must never forget the sacrifices that these men and women made to ensure our freedom today. I strongly urge my colleagues to support this legislation and to honor those who have served in your communities.

Mr. REYES. Mr. Speaker, I stand in strong support for H.J. Res. 98, Honoring WWII Mi- nority Veterans.

This legislation honors their service and sacrifice. Despite suffering from inequality and discrimination back home and in the military, they did not hesitate to defend America with courage and dedication.

Our World War II veterans whether Hispanic, Native American, Asian, Hawaiian, Pacific Islander or African-American, participated in combat operations around the globe to stem the tide of fascism with pride and distinction.

Their bravery, dedication, and commitment was unwavering as reflected in the disproportionate number of Medal of Honor winners among their ranks.

Furthermore, as shown by our Native American Navajo soldiers, their particular and unique skills in the war effort directly contrib- uted to the early success and ultimate victory of our armed forces.

Clearly, our minority World War II veterans are patriots and heroes of the highest order. They put their lives on the line for America, while segregation and prejudice persisted in their homes and toward their families.

The committed service of their Nation, broke stereotypes and the prejudice they endured served to breakdown the doors of segregation for future generations. None- theless, far too many of these veterans re- turned to a Nation that did not fully recognize their service, nor welcome them back like other American soldiers who had defended our freedom and liberty.

It is long overdue that we give them the recognition and accolades they deserve.

Our minority veterans should be celebrated, honored, and recognized for their exceptional contributions to the war effort as part of “America’s Greatest Generation.”

They fought against fascism abroad, and racism and segregation at home. They are veterans of war and veterans of the struggle for our freedom and civil rights.

I therefore am pleased that we commend these veterans for their service and sacrifice with this Joint Resolution.

This bill will honor those minority veterans who gave their lives, support the goals of a Day of Honor in celebration and recognition of their extraordinary service, and authorize and request a Presidential proclamation to honor these veterans with appropriate programs and activities.

These veterans deserve this recognition and we owe them a tremendous debt of gratitude that can never be repaid.

However, with this resolution let us salute and thank our minority World War II veterans.

I therefore ask that my colleagues join me to overwhelmingly support this bill.

Mr. ORTIZ. Mr. Speaker, I thank the Vet- erans’ Affairs Committee for bringing this im- portant resolution before the House of Rep- resentatives this week. The committed service of the veterans of World War II, especially that of minority veterans, can never be noted too often. For minority veterans, their desire to serve their country, and their monumental move- ment in democracy and social change.

While many people pinpoint the 1960s, and the civil rights movement in that decade, with
May 23, 2000

CONGRESSIONAL RECORD—HOUSE

H3563

moving the nation closer to social progress, it was WWII and the minority veterans who distinguished themselves so often and so valiantly who gave us the opportunity to move forward as a community and a nation.

Let me tell you a little bit about one of the most important and influential members of the WWII generation. These Hispanics who fought against the Nazis and Imperial Japan showed their bravery and courage time and time again. They came home from the war that equalized the rich and poor, educated and uneducated, to a country which still openly discriminated against them because of their ethnicity.

Probably the best-known WWII veteran Hispanic descent in South Texas was Dr. Hector P. Garcia. Dr. Garcia came back to South Texas and was, with many Hispanic veterans, treated with familiar contempt by people in the country for which they had shed blood in a great war and a just cause.

What crystallized the cause of civil rights for so many Hispanic veterans and Hispanic Americans was the treatment of Army 100th Infantry Battalion Felix Longoria. Mr. Speaker, Felix was a soldier lost in WWII. Longoria’s family wanted to bury him at Three Rivers near their home, but the cemetery was for whites only.

Dr. Garcia, and all veterans who were coming home were shocked by the blatant racism that was still persistent in their home. They believed in fighting for the cause of democracy and for the United States. They also believed that their service would bring them the respect and honor from the country for which they had shed blood in a great war.

Dr. Garcia called the funeral home and asked them to reconsider. The funeral home owner refused. Dr. Garcia and other South Texas veterans were not deterred. They took their case to the federal level via telegrams and correspondence. Longoria was buried two months later in Arlington National Cemetery with the help of then-Senator Lyndon Johnson.

Out all of this came the American GI Forum, the first Hispanic civil rights organization. Hispanics in the United States have proudly served their country from the American Revolution and activism in Kosovo. In the course of that service, 38 Hispanics have been awarded the Medal of Honor, our country’s highest award for military bravery and service. That is the highest number of Medals of Honor among ethnic minorities. I appreciate the efforts of the House of Representatives in honoring these minority veterans.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.J. Res. 98, the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. I am an original cosponsor of H.J. Res. 98.

Since the days of the Buffalo Soldiers (1866), minorities have served with bravery and distinction in the United States Military with little or no recognition. There were twenty-three Medal of Honor recipients from the four African American army regiments that came to be known as the Buffalo Soldiers. Asian American, Pacific Islanders, and Native Hawaiians also served their country honorably and with great distinction during World War II.

Many Japanese Americans served with the Army’s much-decorated 442nd Regimental Combat Team or 100th Infantry Battalion. Organized in Hawaii, the units fought in Europe.

About one-third of their members volunteered from U.S. relocation camps to which they had been sent as “enemies” of America.

In four weeks of heavy combat in October–November 1944, the 442d RCT liberated Bruyere and Biffontaine and rescued a “lost battalion” of the 36th Division. For this the 100th, 2d, and 3d Battalions, 442d Infantry, and the 232d Engineer Company were each awarded the Distinguished Unit Citation (later re-designated as the Presidential Unit Citation).

Two soldiers of Japanese ancestry, Army Pfc. Sadao Munemori and Jose Calugas of the Philippine Scouts, received the Medal of Honor, the nation’s highest military accolade, during the World War II era.

At least 20 Asian-American heroes of World War II will belatedly receive the Medal of Honor in the White House ceremony on June 21. Only 441 such awards were given during WWII. This tribute completes an effort ordered by Congress to identify Asian-Americans and Pacific Islanders who had won the second-highest medal, the Distinguished Service Cross, and to recommend Medal of Honor upgrades to President Clinton in deserving cases. Sen. Daniel Inouye, D-Hawaii, will be among those recipients. Many others were killed in battle since the war, and family members will accept the awards posthumously.

Primary among Pacific Islanders serving in WWII were the Filipino Vets. As members of the Philippines’ 100th Infantry Division, attached to U.S. forces during World War II, they fought alongside Americans at Bataan, survived the infamous “Death March,” hid and led U.S. soldiers who escaped capture and helped Gen. Douglas MacArthur’s army liberate their homeland, then an American colony. These deserving veterans are in a fight, even now, to obtain the benefits they deserve from the United States government.

This is a record of stellar service. So, it is fitting that we pass H.J. Res. 98 today to honor the men and women who shed blood during that war and who have never truly been recognized for their effort and their sacrifices—often the ultimate sacrifice, their lives.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona?

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate joint resolution (S.J. Res. 44) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II, and for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

There was no objection. The Clerk read the Senate joint resolution, as follows:

S.J. Res. 44

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its groups, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, “E pluribus Unum” (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000:

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian, Pacific Islander, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideals of the “Day of Honor 2000” in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 98) was laid on the table.

CONSIDERING MEMBER AS FIRST COSPONSOR OF H.R. 1202

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that the amendment may hereafter be considered as the first sponsor of H.R. 1202, a bill originally introduced by Representative Brown of California, for the purpose of adding cosponsors and requesting reprints under clause 7 of rule XII.

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

There was no objection.
URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction, as amended.

The Clerk read as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases involving American children abduction from the United States or wrongfully retained in foreign countries;

Whereas more cases of international child abduction are not reported to the Department of State;

Whereas the situation has worsened since 1983, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the "Hague Convention") and adopted effective implementing legislation, the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas Article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the central authority of the country of the child's habitual residence if it is established that there is a "grave risk" that the return would expose the child to "physical or psychological harm or otherwise place the child in an intolerable situation" or "if the child objects to being returned to the noncustodial parent. The heartbreak, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

We are taking action on this measure on behalf of the parents of our abducted, and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return what abducted, or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

We are taking action on this measure on behalf of the parents of our abducted, and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return what abducted, or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

We are taking action on this measure on behalf of the parents of our abducted, and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return what abducted, or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

We are taking action on this measure on behalf of the parents of our abducted, and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return what abducted, or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.

We are taking action on this measure on behalf of the parents of our abducted, and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return what abducted, or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the break, and outrage has led us to act on the measure before us today.
that parent to hide the children. This assistance to the abductors by countries like Germany, Austria, Sweden, and Mexico is contrary to the letter and spirit of the Hague Convention on the civil aspects of international child abduction.

In at least 30 cases in Germany, for example, German judges have flouted the basic tenets of the Hague Convention and have allowed the fleeing parent to continue to hide the children from their American parents. In addition, German courts have allowed them to deny the children the most minimal contact with their parents. Germany is a signatory to the Hague Convention.

Resolutions like the one we have before us, and I compliment the chairman of the committee for expediting this matter and the fine work done by my colleagues, particularly the gentleman from Ohio (Mr. CHABOT) and the gentleman from Texas (Mr. LAMPSON). Resolutions like the one we have before us today are one way that Congress can send a message to these countries, most of which are friends and allies of the United States, that we will not be silent in the face of these tragedies.

Mr. Speaker, make no mistake, these cases are tragedies, tragedies of broken families, traumatized children, bereft mothers and fathers who are left behind with precious little hope of ever seeing their children again. These cases are, sadly, not rare. Every year it is estimated that at least 1,000 boys and girls are taken from their American parents. There are as many as 10,000 cases of children wrongfully retained by their noncustodial parents currently on file. The Hague Convention clearly states that custody disputes should be decided in the country in which the child habitually resides, but time and again foreign courts have intervened and decided custody cases, even though the children in question are American-born and have spent their lives up to the point of their abduction in America.

In the case of Joseph Cooke, whose story was so movingly described recently in the Washington Post, German courts even gave the German foster parents of his children greater rights than they accorded Mr. Cooke himself, the children’s father.

Mr. Speaker, the resolution before us urges today, we are urging our neighbors, and allies to live up to their commitments in signing the Hague Convention on the civil aspects of international child abduction. It asks countries to enact effective implementing legislation; to return abducted and wrongfully-retained children to their place of habitual residence without reaching the merits of any underlying custody dispute; and to ensure parental access rights by removing obstacles to the exercise of such rights; and to further educate its central authority and local law enforcement authorities on the Hague Convention, the

severity of the problem of international child abduction and the need for immediate action, when a parent of an abducted child seeks their assistance. This is the very least we can do to address the heartbreak of thousands of American left-behind parents, and I strongly urge its adoption.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the original sponsor of this measure.

Mr. CHABOT. Mr. Speaker, first let me express my thanks to the gentleman from New York (Mr. GILMAN) for his long-standing leadership in this issue. He has been a real advocate for those families who have been victimized by international parental child abduction. All of us who have worked on this issue appreciate his stewardship.

I also want to thank the gentleman from Florida (Mr. HASTINGS) for his leadership on this very important issue; and I want to particularly thank my friend, the gentleman from Texas (Mr. LAMPSON), the principal sponsor of the resolution. As the founder and chairman of the Congressional Caucus on Missing and Exploited Children, he has worked tirelessly on behalf of abducted children. He comes down here every single day and gives a speech on a different particular case that has happened and he has devoted a lot of time and a lot of effort on this issue and to the families and he has been a very effective partner in this legislative effort.

More than 130 cosponsors have joined in this effort to bring attention to the tragedy of international parental child abduction. I know the families of those children appreciate the support of Members of Congress like the gentlewoman from Florida (Mrs. FOWLER); the ranking member of the committee on International Relations, the gentleman from Connecticut (Mr. GEJ DONSEN); the gentleman from Ohio (Mr. PORTMAN); the gentleman from California (Mr. OSE); and so many others.

I would also particularly like to thank my legislative director Kevin Fitzpatrick who spent many, many hours working on this issue and talking with someone in my district who has been hit with this on a personal basis.

I first became aware of this issue on a personal level when a gentleman by the name of Tom Sylvester from my hometown of Cincinnati, his daughter Carina was abducted by her mother in 1995 and taken to Austria where she remains today. Despite a number of court orders in both the United States and in Austria, including an order by the Austrian Supreme Court that clearly ruled that the child should be returned to Tom Sylvester, Carina has not been returned.

During the last 5 years, he has only been able to see her briefly and in a supervised setting. Every attempt to bring Carina home has been met with rejection by Austria.

Every attempt to seek justice from the Austrian government has been stonewalled, and it is time that Tom Sylvester got his daughter Carina back to the United States. That is where she belongs.

During a hearing on the Committee on International Relations in March of this year, I had the opportunity to discuss Tom Sylvester’s case with Secretary of State Madeleine Albright. The Secretary promised to bring up the case during her discussions with the Austrian government, and she committed to a meeting with Mr. Sylvester, myself, and my colleague, the gentleman from Cincinnati, Ohio (Mr. PORTMAN). Hopefully, that meeting will take place soon.

By personally engaging in this issue, the Secretary will be expressing her solidarity with all of those parents throughout the country who face the same painful ordeal that Tom Sylvester faces every day, and she will be sending a strong message to those other countries that fail to honor their obligations under the Hague Convention that the United States Government is serious about bringing our children home.

House Concurrent Resolution 293 is very straightforward. We are urging all contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction to comply fully with both the letter and the spirit of their international legal obligations under the convention; to ensure their compliance by enacting effective implementing legislation and educating their judicial and law enforcement authorities; and to honor their commitments and return wrongfully abducted children to their place of habitual residence and ensure parental access rights by removing obstacles to the exercise of those rights.

Mr. Speaker, thousands of American parents wake up each morning with a glimmer of hope that they will soon be reunited with their abducted children. Most of those parents go to bed again that night broken-hearted. Sadly those left-behind parents all too often believe that they have nowhere to turn and that is truly a tragedy.

Today, we are sending a message to our State Department that the return of our children is a national priority. Today, we are saying to those nations who routinely ignore their obligations under the Hague convention: send our children home.

Mr. Speaker, those long suffering left-behind parents need to know that their government is behind them, and that their government will keep fighting for them until the last stolen American child comes safely home.

Let us have a resounding show of support for this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged and honored...
to yield 5 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), who has been a tireless worker in this effort to bring this matter to fruition.

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

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for giving me the opportunity to speak in support of House Concurrent Resolution 293. As chairman of the Committee on International Relations and the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEOXON), I have recognized the importance of an issue that the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and I have been pushing on for quite a long time of international parental child abduction.

The House has today called on the signatories of the Hague Convention of Civil Aspect of Child Abduction to abide by the provisions of the Hague Convention.

Three years ago, I came before that committee, with a number of parents, to announce to Congress and to the American people that it was time for America and our foreign counterparts to sit up and take notice of the 10,000 American children that have been abducted overseas, and that time has come.

We are pointing fingers today at those countries who have not lived up to their side of the deal, and I know that the United States is not perfect, that we still have much educating to do of the judges who deal with this issue, but the return rate by the United States to other Hague countries is upwards of 89 percent. We know that American children are returned at a rate that is consistent with what the United States returns, only about 24 percent.

These parents’ children have been abducted to Hague countries all over the world. This issue is one that is non-partisan and one that none of us can afford to ignore. I am truly pleased to have introduced this resolution with my friend, the gentleman from Ohio (Mr. CHABOT). Our resolution urges all parties to the Hague Convention, particularly European civil law countries, to consistently violate the Hague Convention, such as Austria, Germany and Sweden, to comply fully with both the letter and the spirit of their international legal obligations under this convention, in addition to urging all contracting parties to ensure their compliance with the convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities.

Mr. Speaker, we know that this is making a difference. We know that our voices are being heard. I know that last Friday, a gentleman whose name is Paul Marinkovich, had a case in the courts in Scotland after he had followed his child from Sweden to Norway to Spain and finally to Scotland; and Mr. Marinkovich won his case last Friday in Scotland after 3½ years on the run. His child was located with the child’s mother there in Scotland, and it was the case that was brought by this government, by this Congress, by our State Department and high-ranking administration officials that this case, his case, took a turn for the better.

It was televised in Sweden; someone saw a recognized Gabriel, who had moved to Spain. The case was investigated in Spain, and he was located in Scotland. His ex-wife was arrested. Gabriel was in the care of social services, and Paul won the Hague case on Friday. That is a thrill to me to know that this Congress made a difference.

Another gentleman named Jim Rinaman, Jim was a father who I met back in February and March. He saw his daughter for the first time in 5 years in Germany. The pressure that the German government is feeling is becoming apparent. The German press has picked up on this issue and is putting pressure on families over there.

Mr. Speaker, I have to read a part of an email that came to me. It was directed to me. It says that it should be shared with every Member of Congress who has touched this issue in the last several months. He says: “Thank you so much for all of your help. I really admire you and the other Members of Congress who have taken on this issue. You can count on me for any assistance I might be able to provide for your continued efforts.” As difficult as my situation still is, I am very much relieved, and I know there are solutions still to be found for other parents and children and Catherine. I believe that the German government, for one, is learning a new kind of respect for the United States because of the principal people like you and Mr. Marinkovich and those who have presented and refused to compromise. There will be many parents and children who will always deeply appreciate what you are doing. I have attached photos of Julia. As you can see, she is well, and, thankfully, she will grow up with the opportunity to be equally proud of being American and German.”

Well, to me, that is what this is about. And it is an issue that it is today without. John Herzberg on the committee and Aby Hochberg Shannon on my staff and others on the staff like Kristyn Brimmer and so many others who have spent so much of their time and effort. This issue would not have been brought to where it is today without so much work on the part of our staffs.

Mr. Speaker, I support this and only ask to bring our children home.

As I stated in my press conference three months ago, we need to raise awareness among parents from across the country who have been contacting their Members of Congress. And we must continue to put pressure on other countries that are Hague signatories, that are not abiding to the Hague Treaty. This resolution does just that. As I said in March, I would like to issue a challenge to each of you to help carry this message forward and help us “Bring Our Children Home.”

The SPEAKER pro tempore (Mr. KUYKENDALL). Does the gentleman from California (Mr. OSE) seek to claim the remaining time of the gentleman from New York (Mr. GILMAN)?

Mr. OSE. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection the gentleman from California (Mr. OSE) seeks to claim the remaining time allotted to the gentleman from New York (Mr. GILMAN). There was no objection.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. OSE) to speak to the issue because we have a considerable amount of time, but more importantly because, as an individual who has been tireless in his efforts to bring this matter to fruition.

Mr. OSE. Mr. Speaker, I want to express my appreciation to the gentleman from New York (Chairman GILMAN) and the gentleman from Florida (Mr. HASTINGS) for their efforts here. I also want to memorialize the efforts of the gentleman from Ohio (Mr. CHABOT) and the gentleman from Texas (Mr. LAMPSON) in bringing this matter to this Congress.

What we are really talking about here is how one defines a country of habitual residency and putting the children in the position where they can live in those countries.

As others have spoken so eloquently about the fact of this matter, about the relative rates of return by our country to others as opposed to those of other countries to us, I will not spend a lot of time on that.

But I do want to make a couple of points, and that is I am new here, if you will. I have asked for recognition from the gentleman from Florida (Mr. HASTINGS) from the other side of the aisle, and I have come to the lectern that is typically reserved for Members of the other side, to highlight that this issue is not a partisan issue. This is an issue that touches every single district in this country. It touches constituents from Portland, Maine; to San Diego, California; to Binghamton, New York; to Fort Worth, Texas. Every single district. That is why it is important.

Now, the gentleman from Texas (Mr. LAMPSON) highlighted a success story that we recently had. I am hopeful that that gentleman and his child are home now. I am hopeful that the second case that the gentleman mentioned comes to a successful fruition, also. I am willing to take these cases one at a time, just case by case. I want to start on June 2 and June 3 by having the President of the United States speak to the chancellor of Germany about specific cases in Germany that they can both together reach out and change, the Cooke case in particular.
It is possible for two people, President Clinton and Chancellor Schroeder, to get together and change the course of the future of that family for the positive, consistent with the treaty that both countries have our adherence to, consistent with the case law and the family law in both countries.

Before I came to Congress, I once heard that it takes a village to raise a child. I do not say that in any means to belittle it, because it is true. We collectively raise our children. There are times when I am not home, and my neighbor helps raise my kids.

What we need to have is for the President to stand and speak for the parents and children who are Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) and note that she, too, has been tireless in her efforts and is a cosponsor of the measure before us today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me, first of all, thank the gentleman from Texas (Mr. LAMPSON) and the great work that I have enjoyed, him leading out on and being able to be part of the Caucus for Missing and Exploited Children, as it has worked with the caucus that I have chaired, the Congressional Children's Caucus.

I wanted to rise today because this is such an important piece of legislation to advocate for the importance of children in America and the importance of the sanctity and the sacredness of our children.

Let me briefly suggest that America has watched over the last couple of months the unfolding of an enormous drama of a child and his parent. With that emphasis, I can understand the pain that has been experienced by so many American parents who have asked the question, why not us? If not now, when?

So this is an important resolution to say to countries like Germany and Austria and Sweden and other countries around the world that we pride the children of American citizens who have been abducted and kidnapped around the world; we will not stand for their misuse and abuse and not having them reunited with their families.

I simply say that the Hague Convention is an important part of the international arena; and, therefore, it is enormously important that the Hague Convention is adhered to to ensure that the custody rights and the laws of one contracting state are effectively respected with other contracting states. This is all that the parents ask for. This is all that Joseph Cooke wanted, to be able to see his two children that were abducted from him and from this country and taken as strangers to Germany.

I would simply ask my colleagues to allow this opportunity for this legislation to be our resounding statement that we pride and love our children and that we will work with America's parents to ensure their safe return to them.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 293, in support of urging member nations of the Hague Convention on the Civil Aspects of International Child Abduction to comply with this most important treaty.

This Resolution urges the United States and member nations to implement legislation in the United States for International Child Abduction Remedies Act and establishes reciprocal rights and duties between contracting states to expedite the return of children to the state of their habitual residence.

The purpose of the Hague convention is to ensure that the custody rights under the laws of one contracting state are effectively respected in other contracting states.

Although the Hague Convention provides a narrow exception to the requirement of the prompt return of children that releases the member state from its obligations, but this is only if it has been determined that returning the child would impose a "grave risk" of "physical or psychological harm" among other things.

Unfortunately, member states have abused this exception and are condoning the illegal separation of children across the country from their biological parents.

For example, Joseph Cooke of New York, lost his two children to strangers in Germany after his ex-wife abducted them and placed them in the care of the German Youth Authority.

The fact that Joseph was awarded custody by a U.S. Court and the fact that the Hague Convention, of which Germany is a member, requires that custody be determined in the child's home country, the German courts awarded custody to the foster family.

The State Department claims that it cannot enforce the Hague Convention or interfere in decisions overseas, but there are ways in which the United States can urge compliance with this treaty and I, along with the 132 co-sponsors of this resolution, hope that the Secretary of State will make the commitment to help rectify this continual tragedy occurring across the world today.

The State Department has 1,148 open international custody cases, including 58 in Germany. But that number represents only a fraction of the children abducted abroad because most families never file their cases with the State Department.

The discrepancy between the United States's compliance with other countries like Germany is alarming!

From 1990 to 1998, the State Department received 369 Hague applications from parents whose children had been abducted to Germany. Yet, only 80 children, including those that have been voluntarily returned by the abducting parents, have come back. On the other hand, U.S. courts return 90 percent of the children in Hague cases.

The National Center for missing and Exploited Children has done a tremendous job in assisting distraught parents retrieve their children, but they need help.

Since Article 21 of the Hague Convention obligates member states to cooperate with each other to promote the "peaceful enjoyment of parental access rights," there is no excuse for countries such as Germany, Austria and even Sweden for allowing such a travesty of justice to take place.

I urge my fellow members of Congress to pass this most important resolution that urges compliance with the Hague Convention.

We can no longer stand by as American parents are subjected to the torture of not being allowed to see the most precious gift God has given them, their children.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HOUGHTON) has 12 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 5 minutes remaining.

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

Mr. Speaker, I would simply like to simply to thank the majority staff of the committee on Foreign Relations for their handling of this matter, and, of course, the minority staff, with specific reference to Sean Carroll and Kathleen Moazed, and my legislative director, Fred Turner, and all of us that are associated with this matter.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my support for the House Concurrent Resolution, H. Con. Res. 293, which calls on parties to the Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of that agreement.

The State Department reports that nearly 1,000 children a year are abducted by a parent and taken outside of the United States. According to a report recently released by the General Accounting Office, despite the efforts of the Federal Government, Americans have little chance of regaining custody of children abducted by a parent and taken to a foreign country. Success in these tragic situations is often elusive because it largely depends on the willingness of foreign governments to cooperate.

The 1980 Hague Convention outlines procedures for resolving international child abduction disputes among 54 countries. However, international child abduction remains a serious problem. The denial of parental visitation of children, and the failure of several contacting countries to fully implement the Convention, deprives the Hague Convention of the spirit of mutual confidence upon which its success depends.

Countries that deny parents access to their own children merely reward abducting parents and endangers the well-being of abducted children for the rest of their lives.

Several families in my Congressional District in New York have personally experienced the terrible psychological and financial strains of international child abduction. The wrongful retention of American children abroad touches not only left-behind parents and their families but also our entire Nation.

Mr. Speaker, it is time that we all focus our collective attention on missing children and support H. Con. Res. 293.
Mr. PORTMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293, which calls on nations that are signatories to the Hague Convention on the Civil Aspects of International Child Abduction to live up to their treaty obligations. I am an original cosponsor of this legislation. I also cosponsored the gentleman from Texas [Mr. LAUGHERN] and Ohio [Mr. CHABOT] for their work on this issue.

This issue was brought home to me by one of my constituents, Tom Sylvester of Blue Ash, Ohio. Tom’s daughter Carina was taken by his Austrian-born wife on October 30, 1995. Although both the Austrian Central Authority and the Austrian Supreme Court ruled that Carina should be returned to the United States and to Tom’s custody, the ruling was never enforced. The only contacts Tom has had with his daughter are a few brief supervised meetings in Austria, and his phone calls to her are always placed on a speaker phone, undoubtedly being monitored.

Although the Hague Convention has helped in getting a just decision rendered, the United States currently has no way to force another country to enforce its own laws and judicial decisions within its own borders. In fact, the United States has a treaty that if another participating member country does not live up to its obligations under the Convention.

I have been working with the State and Justice Departments on Mr. Sylvester’s behalf since July of 1998, and I can tell you that it has been a difficult and discouraging process. What is most frustrating is that Mr. Sylvester has done everything correctly under the terms of the Hague Convention, and still, more than four years later, he has been able to spend only a few precious minutes with his young daughter. He cannot even get the Austrian authorities to grant him an agreed upon visitation under immigration law.

We owe it to Tom Sylvester and thousands of other parents who have suffered the same difficulties as he has to pass this resolution today. And I urge my colleagues to let this be the first of many steps needed to return these American children to their rightful homes.

The SPEAKER pro tempore. Mr. KYKENDALL. This motion is on the motion offered by the gentleman from Texas [Mr. LAUGHERN] and Ohio [Mr. CHABOT] for their work on this issue.

The question is on the yield back the balance of my time. If no further requests for time, and I yield back the balance of my time, and I yield back the balance of my time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

The Clerk reads as follows:

H.R. 4489

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

SECTION 1. SHORT TITLE. This Act may be cited as the “Immigration and Naturalization Service Data Management Improvement Act of 2000.”

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA. (a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—In this section, the term ‘integrated entry and exit data system’ means an electronic system that—

(1) provides access to, and integrates, aliens arrival and departure data that are—

(A) authorized or required to be created or collected under law;

(B) in an electronic format; and

(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

(2) matches an alien’s available arrival data with the alien’s available departure data;

(3) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary’s obligations) in the inspection and monitoring of aliens through on-line searching procedures, lawfully admitted nonimmigrants who have remained in the United States beyond the period authorized by the Attorney General; and

(4) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required by subsection (e).

(c) CONSTRUCTION.—

(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State; or

(B) requirements that are inconsistent with the North American Free Trade Agreement;

(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

(d) DEADLINES.—

(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall be designed to ensure that such data are collected or created by an immigration officer at such a port of entry and can be accessed by immigration officers at airports, seaports, land border ports, and other such land border ports of entry.

(2) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are collected or created by immigration officers at such ports of entry and that all ports of entry into the United States.

(e) REPORTS.—

(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

(A) The number of aliens for whom departure data was collected during a reporting period, with an accounting by country of nationality of the departing alien.

(B) The number of departing aliens whose departure data was matched to the alien’s arrival data, with an accounting by the alien’s country of nationality and by the alien’s classification as an immigrant or nonimmigrant.

(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien’s authorized period of stay, with an accounting by the alien’s country of nationality and date of arrival in the United States.

(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM INFORMATION.—

(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine
which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

"(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

"(3) TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

"(i) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking the section heading for section 360 and inserting in lieu thereof the following: "Sec. 310. Integrated entry and exit data system."

SEC. 3. TASK FORCE.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) in this section referred to as the "Task Force".

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2).

The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies, serving in an ex officio capacity, that are responsible for preparing and transmitting data, including representatives of agencies with an interest in—

(i) immigration and naturalization;
(ii) travel and tourism;
(iii) transportation;
(iv) trade;
(v) law enforcement;
(vi) national security; or
(vii) the environment; and

(B) private sector representatives of affected industries and groups.

The Task Force shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(c) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:


(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through the use of appropriate electronic systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel.

(3) Increasing cooperation between the public and private sectors;

(4) Increasing cooperation among Federal agencies and among Federal and State agencies; and

(5) Modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations;

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General shall, in consultation with the Secretary of Commerce and the Secretary of the Treasury, establish a staff and support system for the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for individuals not to exceed the daily equivalent of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(e) DELEGATION.—The Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(f) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2001, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(3) OTHER TASKS.—The Attorney General may delegate to any of his subordinates the responsibility for preparing and transmitting any such report.

(g) USE OF TASK FORCE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force, and

(b) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter on the bill, regardless of its substance.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as may be consumed.

Mr. Speaker, H.R. 4499 represents a bipartisan collaborative bill. Many people deserve credit, including Senator NAGEL (Mr. MICHIGAN), the gentleman from Michigan (Mr. UPTON), the gentleman from New York (Mr. McHugh), the gentleman from New York (Mr. LaFalce), the gentleman
from New York (Mr. Quinn), the gentleman from New York (Mr. Houghton), the gentleman from New York (Mr. Reynolds) and the gentleman from Michigan (Mr. Conyers).

Also, I want to thank the Travel Industry Association for their work on Better Borders, the U.S. Chamber of Commerce, the American Trucking Association, the Canadian-American Border Trade Alliance, the INS, the Canadian Embassy, the Mexican Embassy, the Border Trade Alliance, and the U.S. Caucus of Mayors for giving us their valuable input and support.

Over a dozen meetings were held over several months' time with the interested parties. The efforts of John Lampmann, chief of staff for the 21st Congressional District, and Lora Ries, counsel for the Subcommittee on Immigration of the Committee on the Judiciary, were crucial to obtaining the desired result.

H.R. 4489 focuses on an integrated entry and exit data system that will be funded, developed, and implemented by 2005. This bill will integrate all INS and State Department databases that support entry and exit of aliens at airports, seaports, and land border ports of entry.

The database systems that the INS currently use are often independent from each other. As a result, INS officers and inspectors and State Department consular officers are unable to learn an alien's prior U.S. travel activities from the INS and State Department consular offices. Without this information, aliens can slip through the cracks, as we saw in the case of Mr. Resendez, the recently convicted railroad killer.

This bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can access any entry and exit information with respect to an alien before them.

One of the INS' systems is the entry exit data system, the Attorney General is required to submit an annual fiscal year report to the Committees on the Judiciary of the House and Senate. A task force will be funded to examine specific ways to further the development of the integrated entry and exit data system. The Attorney General is expected to update and improve the integrated entry and exit data system as technology improves and as recommendations of the task force are received.

The task force will examine how technology can facilitate the flow of people through ports of entry, whether by air, sea, or land. By using the speed and efficiency of the Nation’s Immigration system, the bill both speeds the flow of the traffic through ports of entry and contributes to the development and usefulness of the integrated entry and exit data system over time.

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

H.R. 4489, the “INS Data Management Improvement Act,” is intended to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), to require the implementation of an integrated entry and exit data system at airports, seaports, and land border ports of entry at new, specified deadlines, and to establish a task force to assist the Attorney General in implementing section 110.

BACKGROUND

In 1996, the Congress overwhelmingly passed IIRIRA. Section 110 of IIRIRA called for an automated entry-exit control system no later than two years after the date of enactment of IIRIRA, September 30, 1996. Without defining the control system, section 110 required that the system collect a record of departure for every alien departing the United States and match the departure records with the record of the alien's arrival into this country. The system also required that the Attorney General be able to identify electronically lawfully admitted nonimmigrants who remain in the United States beyond their authorized period of stay.

In addition to the entry-exit control system, section 110 authorized the Attorney General to submit to the congressional Judiciary Committees annual reports on the system. The reports should include the number of departure records collected; the number of departure records successfully matched to records of the alien's prior arrival; and the number of aliens who arrived as nonimmigrants or under the Visa Waiver Program for whom no matching departure record has been obtained as of the end of the alien's authorized period of stay.

Finally, section 110 required information regarding aliens who have overstayed their visas to be integrated into data bases of the INS and State Department, including those used at ports of entry and at consular offices.

Subsequently, section 110 was amended to change the deadlines of the automated entry and exit control system. The deadline for the system at airports was changed to October 15, 1998, and the deadline for land border ports of entry and seaports was changed to March 30, 2001.

With the March 30, 2001, deadline less than a year away and the INS no closer to having a control system at land border ports of entry, various Members of Congress and interest groups grew concerned. They wanted to repeal section 110 out of fear that trade and tourism would be hurt by new data collection requirements at the border ports of entry, causing delays at the border to grow.

This bill focuses on the task the INS faces in implementing an entry-exit system. The idea is that it should be an electronic data base system, such a system will allow technology to drive the INS' ability to collect information on who are entering and exiting the United States and who are overstaying their visas. As such, H.R. 4489 focuses on the INS' ability to use technology to improve its current collection database systems and to integrate its systems. The database systems that the INS currently use are often independent from each other. As a result, INS officers and inspectors, and State Department consular officer are often unable to learn an alien's prior travel activities in another part of the United States or other consular offices.

Aliens can slip through the cracks, as in the case of Mr. Resendez, the recently convicted "railroad killer." Therefore, this bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can assess any entry and exit information with respect to an alien before them.

In addition, the bill creates a task force to study and recommend continu-ously improve and update the INS' database system as technology advances. This infrastructure in support of the INS integrated data system development allows for public-private recommendations, a major contribution of the bill.

H.R. 4489 requires the Attorney General to implement an integrated entry and exit data system. The intent behind this system is that any arrival and departure data that the INS and the State Department are authorized or required to create or collect must now be entered electronically into a database. In addition, the database must be integrated and provide access to other ports of entry, internal enforcement, and consular offices. As technology improves, so should the data system improve.

The bill is different from the current section 110 of IIRIRA because it focuses the entry/exit system. This system is to: (1) provide access to and integrate alien arrival and departure data; (2) use this data to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States; (3) match an alien's arrival data with the alien's departure data; (4) assist the Attorney General and the Secretary of State to identify electronically lawfully admitted nonimmigrants who overstayed their visas; and (5) permits the Attorney General to make reports.

Nothing in this bill should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, particularly aliens who have had document requirements waived under section 212(d)(4)(B) of the Immigration and Nationality Act by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to foreign contiguous territories or adjacent islands. However, this bill does not affect the authority of the Attorney General or the Secretary of State to create new documentary or data collection requirements in other provisions of law.

The integrated entry and exist data system is to be implemented at airports, seaports, and land border ports of entry. However, because each type of port of entry has different infrastructure and processing procedures, it does not make sense to have one uniform deadline for implementation. Since section 110 was enacted in 1996, the INS is already implementing such a system at airports and seaports. Thus, implementation of the data system at airports and seaports is due by December 31, 2003.

Land border ports of entry will require additional time to implement the entry/exit data system. Also, traffic infrastructure, and resources used at all of the land border ports of entry vary greatly. While some land ports receive heavy traffic and use a significant amount of resources, other ports receive minimal traffic and have few resources. Because the former group of land ports will require less time and resources to implement an entry/exit data system that the latter group, the former group has an earlier deadline. The 50 land border ports of entry determined to serve
the highest numbers of arriving and departing aliens are to have the system implemented by December 31, 2004. The entry/exit data system is due at the remainder of the land border ports of entry by December 31, 2005. Implementing at the land ports of entry with the highest numbers of arriving and departing aliens is a method of gathering arrival and departure information.

Once the INS implements the entry/exit data system at a defined group of ports of entry, the Attorney General is required to submit an annual fiscal year report to the Judiciary Committees of the House and Senate. These reports must include and analyze the following information: (1) the number of aliens for whom departure data was collected, including country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien’s arrival data, including country of nationality and an alien’s classification as an immigrant or nonimmigrant; (3) the number of aliens who arrived with a non-immigrant visa or under the visa waiver program for whom no matching departure data was obtained as of the end of the alien’s authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

The Attorney General, in consultation with the Secretary of State, will determine which officers and employees of the Justice and State Departments may enter data into and have access to the data contained in the entry/exit data system. Likewise, the Attorney General has the discretion to permit other federal, state, and local law enforcement officials to have access to the data for law enforcement purposes.

The Attorney General is expected to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force.

H.R. 4489 requires the Attorney General, in consultation with other involved Secretaries, to create a task force, made up of representatives of federal, state, and private sector representatives of agencies and industries interested in port of entry issues. The primary duty of the task force is to evaluate how the Attorney General can efficiently and effectively carry out section 110. Advanced technology should drive such an evaluation. As the INS uses advanced technology at ports of entry, the flow of traffic at ports of entry will improve, thereby increasing trade and tourism, a universal goal.

In this study, the task force is encouraged to examine how to simplify the entry/exit documentation currently collected by the INS and State Department, without decreasing the quality of the information obtained. For example, in reviewing how to improve the flow of traffic at ports of entry, the task force should examine the current documentary requirements for business people and tourists entering the United States, including those entering from Mexico by air. After completing such review, the task force may develop recommendations concerning how these requirements can be streamlined to improve the flow of persons between the United States and Mexico, in accordance with the substantial growth in growth and services trade that has occurred since enactment of the North American Free Trade Agreement.

The Congressional Budget Office has indicated that this bill will not cause direct spending.

Section-by-Section Analysis

SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA

Section 2 amends section 110 of IIRIRA through the sections that follow.

Section 110(a) requires the Attorney General to implement an “integrated entry and exit data system.” Section 110(b) defines “integrated entry and exit data system” as an electronic system of alien arrival and departure data that is integrated and provides access to INS ports of entry, the INS interior and State Department consular offices. The arrival and departure data used in the system is composed of that which is authorized or required by law. The electronic system uses the data to create a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date or arrival in, and departure from the United States. The system is also required to match an alien’s arrival data with the alien’s available departure data. It should assist the Attorney General and the Secretary of State to identify, electronically, lawfully admitted aliens who entered the United States beyond their authorized period. Finally, the system should enable the Attorney General to create the annual congressional report required in section 110(e).

Section 110(c) explains that nothing in section 110 should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, including those aliens who have had either or both of the requirements of section 212(a)(7)(B)(i) of the Immigration and Nationality Act waived by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and their residents having a common nationality with such nationals. In addition, section 110 does not permit the Attorney General or the Secretary of State to require documents or data from aliens that are inconsistent with the North American Free Trade Agreement.

While section 110 restricts the Attorney General and the Secretary of State from imposing new documentary or data collection requirements upon aliens, section 110 does not reduce the authority of the Attorney General or the Secretary of State from creating new documentary or data collection requirements in any other provision of law.

Section 110(d) imposes staggered deadlines upon the Attorney General to implement the integrated entry and exit data system at the different types of ports of entry. By December 31, 2003, the Attorney General is to be using available alien arrival and departure data described in subsection (b)(1) with respect to aliens arriving in, or departing from, the United States at an airport or seaport. This implementation includes ensuring that the data collected or created by an immigration officer at an airport or seaport are accessible by immigration officers at other airports and seaports.

Section 110(d)(2) requires the Attorney General to implement the integrated entry and exit data system using the data already implemented at airports and seaports, combined with available alien arrival and departure data described in paragraph (1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry serving the highest numbers of arriving and departing aliens, and to continuously update and improve the integrated data system using the data already implemented at airports and seaports. The Attorney General is to be using available alien arrival and departure data described in subsection (b)(1) with respect to aliens arriving in, or departing from, the United States at an airport or seaport. This implementation includes ensuring that the data collected or created by an immigration officer at an airport or seaport are accessible by immigration officers at other airports and seaports. The implementation is due no later than December 31, 2004, and should ensure that when the data is collected or created by an immigration officer at a port of entry, is entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.

Section 110(d)(3) requires the Attorney General to implement the entry/exit data system using the data already implemented at airports and seaports, combined with available alien arrival and departure data described in paragraph (1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry serving the highest numbers of arriving and departing aliens, and to continuously update and improve the integrated data system using the data already implemented at airports and seaports. The implementation is due no later than December 31, 2004, and should ensure that when the data is collected or created by an immigration officer at a port of entry, is entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.

Section 110(d)(4) requires the Attorney General to implement the entry/exit data system using the data already implemented at airports and seaports, combined with available alien arrival and departure data described in paragraph (1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry serving the highest numbers of arriving and departing aliens, and to continuously update and improve the integrated data system using the data already implemented at airports and seaports. The implementation is due no later than December 31, 2004, and should ensure that when the data is collected or created by an immigration officer at a port of entry, is entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.

Section 110(e) requires the Attorney General to submit an annual fiscal year report to the Judiciary Committees of the House and Senate by December 31. This report should include and analyze the following information: (1) the number of aliens for whom departure data was collected during the reporting period, including the departing alien’s country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien’s arrival data, including country of nationality and an alien’s classification as an immigrant or nonimmigrant; (3) the number of aliens who arrived with a non-immigrant visa or under the visa waiver program for whom no matching departure data was obtained as of the end of the alien’s authorized stay, including the country of nationality; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

Section 110(f) permits the Attorney General, in consultation with the Secretary of State, to determine which federal, state, and local law enforcement officials have access to the data contained in the data system for law enforcement purposes.

Section 110(g) requires the Attorney General to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force created in section 3 of this bill.

Section 110(h) authorizes appropriations to carry out section 110. Amounts appropriated under this Act may be necessary for fiscal years 2001 through 2008.

SEC. 3. TASK FORCE

3(a) Establishment. Section 3(a) requires the Attorney General to consult with the Secretary of State, Secretary of Commerce, and Secretary of Treasury to establish a task force no later than six months after the date of enactment of this Act.

3(b) Membership. Section 3(b) establishes that the Attorney General will be the chairperson of the task force and will appoint the other 16 members of the task force. The task force members, the Attorney General shall include representatives of federal, state, and local agencies with an interest in the duties of the task force, immigration officers, and immigration agencies with an interest in immigration and naturalization; travel and tourism; transportation; trade; law enforcement; national security; and the environment. In addition, the Attorney General must include private sector representatives of affected industries and groups as members of the task force. Each member of the task force may be compensated for their service on the task force. Any vacancy shall be filled by the Attorney General. Members of the task force will not be compensated for their service on the task force.

3(c) Duties. Section 3(c) requires the task force to evaluate the following: (1) how
the Attorney General can efficiently and effectively carry out section 110 of HRIRA, as amended by this bill; (2) how the U.S. can improve the flow of traffic at airports, sea-
ports, and land border ports of entry; (3) the retroactive nature of the add-
ter use of technology, resources, and personnel; increasing cooperation between the public and private sectors; increasing co-
operation between federal and state agencies; and modifying information technology; and (3) the cost of implementing each of its rec-
ommendations.

Section 3(d)(1) Staff and Support Services. Section 3(d)(1) permits the Attorney General to appoint and terminate an executive director and any other additional personnel necessary to enable the task force to perform its duties. The employment and termination of an executive director is subject to confirmation by a majority of the task force members.

Section 3(d)(2) establishes a compensation rate ceiling for the executive director at level V of the Executive Schedule. The Attorney General may fix the compensation of other personnel, except the pay rate may not exceed level V of the Executive Schedule.

Section 3(d)(3) permits any federal government department or agency to provide the appropriate federal agency, to be de-
tailed to the task force without reimbursement and without interference or loss of civil service status, benefits, or privileges.

Section 3(d)(4) allows the Attorney General to obtain temporary and intermittent ser-
vices for the task force at compensation rates not to exceed level V of the Executive Sched-
ule.

Section 3(d)(5) requires the Administrator of General Services to provide, at the Attor-
ney General's request, administrative sup-
port services necessary for the task force to carry out its responsibilities.

Section 3(e) Hearings and Session. Section 3(e) permits the task force to hold hearings, sit and act at times and places, take testi-
mony, and receive evidence as the task force deems appropriate.

Section 3(f) Obtaining Official Data. Section 3(f) allows the task force to directly secure from any United States department or agen-
cy information necessary to perform its du-
ties. It also requires the head of the depart-
ment or agency to furnish the information to the task force upon the request of the Attor-
ney General.

Section 3(g) Reports. No later than December 31, 2002, and no later than December 31 of each year thereafter in which the task force is in existence, the Attorney General must submit a report to the appropriate committees of both the House of Representatives and the Senate containing the findings, conclusions, and recommendations of the task force. Each report will also measure and evaluate how much progress the task force has made, how much work remains, how long the remaining work will take to complete, and the date of completing the remaining work. In addition, the Attorney General may delegate to the INS Commissioner the responsibility of prepr-
ing and submitting these reports.

Section 3(h) Legislative Recommendations. Section 3(h) requires the Attorney General to make such legislative recommendations as the Attorney General deems appropriate to implement the task force's recommendations and to obtain authorization for the appro-
priation of funds, the expenditure of re-
cipts, or the reprogramming of existing funds to implement such recommendations. The Attorney General is permitted to dele-
gate to the Commissioner the responsibili-
ty of preparing and transmitting any such legislative recommendations.

Section 3(i) Authorization of Appropriations. Section 3(j) authorizes appropriations such as may be necessary for fiscal years through 2003.

SEC. 4. SENSE OF CONGRESS REGARDING INTER-
ATIONAL BORDER MANAGEMENT COOPER-
ATION

Section 4 states that the Attorney General, in consultation with the Secretary of State, the Secretary of the Treasury, and the Secretary of the Department of Commerce, should consult with or- anized foreign governments to improve border management cooperation.

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

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

Mr. Speaker, I would like to begin by thanking everyone that has worked on this measure. This is a very positive ending to what was originally a very rancorous matter in our committee because H.R. 4489 would eliminate the entry-exit data collection system required by section 110 of the immigra-

tion law for the U.S. and Canadian and Mexican border crossings.

I have long opposed the section 110 entry and exit system because of the adverse impact it would have on the people and businesses of Michigan and other border States. Implementation of this system is illegal: its entry and exit system would cause massive traffic congestions along our borders, bringing personal and business travel at many border points to stand still. This would have a crippling effect on trades and tourism.

For example, at the Ambassador Bridge in Detroit, more than 30,000 crossings per day take place. As little as a fraction of a minute added to the processing time of each of these vehi-

cles would result in miles and miles of snarled traffic on both sides of the bor-
der. Tourists would be less likely to visit our border towns, and businesses, particularly those dependent on just-
in-time delivery, would suffer.

These prices are far too high to pay for a data collection system that, sadly, is unlikely to achieve its pri-
mary objective, dealing more efect-
ively with persons who come to this country as visitors and overstaying their visas. Under section 110, the INS would know who these individuals are but they would not know where they are. The information would probably have very little enforcement value.

By contrast, H.R. 4489 would replace the entry-exit data collection system with a system for making use of the vast quantity of information we already gather on individuals entering and exiting this country. The informa-
tion would be entered into a database that would allow U.S. immigration offi-
cials and consular officers based over-
seas to access it. More importantly, it would not lead to new border delays.

Canada and the United States benefit from an outstanding relationship be-

tween the two countries. Last year, more than 13.4 million Canadians came to the United States to do busi-

ness, shop, visit our restaurants and tour-

ist sites. In my home State of Michi-
gan alone, more than 1.2 million Canadians visited for one night or more and added $216 million to the State's economy. H.R. 4489 will obviously help protect that flow of business and tour-

ism.

So my thanks, Mr. Speaker, to the chairman of the Subcommittee on Im-
migration, the gentleman from Texas (Mr. SMITH), and our friend, the gen-
tleman from Michigan (Mr. UPTON), and our ranking member on the sub-
committee, the gentlewoman from Texas (Ms. JACKSON-LEE), and our lead-
ship on this bipartisan legislation was important, and I too would urge a 'yes' vote.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this bill is brought up under suspension of the rules, and usually these measures are brought up when they are non-
controversial. Until about a month or two ago this issue was very controver-
sial. In fact, a year ago there were probably some of us on both sides of the aisle that were ready to do battle, with words.

This has been a tough battle, and I want to particularly commend the thoughtful and the hard work of my colleague, the gentleman from Texas (Mr. SMITH), and number of people that were able to get together with the gentleman from Texas on both sides of the aisle. We had a number of associations across the country as well, whether they be the White House, whether they be the Governors Asso-
ciation, the Chamber of Commerce, or Republicans and Democrats. The gentle-
man from New York (Mr. LAFAUCI) and I headed up the charge, on our side. And I had the privilege over the last couple of years, with others in this body that are on the floor now, of par-
ticipating jointly with our Canadian counterparts, our colleagues from Can-
ada.

This has been the number one issue the last number of years. Why is that? In my home State of Michigan, we have more than a billion and a half dollars of trade that literally goes across the bridge into Canada every day. Every day. We have thousands of Americans and Canadians that cross the border to shop, whether it be at hospitals or other places. And, sadly, under the old rules, I guess those that are still present today until this legislation be-
comes law, under that section 110, had it been allowed to come into play, it would have been a delay for days, even weeks, for people to get from one side of the border to the other, whether it be for dinner, for a job, or whatever it might be.

Thanks to the leadership, people on the floor today, particularly the gentleman from New York (Mr. HOUNTON), the gentleman from New York (Mr. MCHUGH), the gen-
tleman from Florida (Mr. STEARNS),
and others, we were able to have a meeting of the minds. And in fact, we have legislation now that, when it is passed this afternoon, and thanks to the leadership of many in the Senate as well, instead of coming to war over this issue, like we almost did last year, in essence, we are coming together through our heads and our words.

I just want to commend again my colleague from Texas for allowing us to take this bill on a fairly rapid course through his subcommittee, our leadership by getting it to the floor today, and, in essence, getting away next year, instead of having that date come into play, when literally our borders would be locked and sealed and folks would be unable to cross the border for whatever purpose. In fact, this opens the door in a meaningful way; and one that I think was certainly the intent of the legislation that was passed.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), and I thank the chairman of the subcommittee.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), and I thank the chairman of the subcommittee.

Who said that this could not be done; fixing section 110? I want to thank the members of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and the chairman of the subcommittee for what I think is a very good resolution, along with the many others that we have worked on this improvement of section 110.

Let me briefly just suggest that being an original cosponsor of H.R. 4489, I am glad now that it provides for continued input from government, business, and border communities. Now, under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can improve the flow of traffic at airports, ports, and land ports of entry. The Attorney General must make legislative recommendations to implement the findings of the task force.

This bill would increase our security and use of technology, while not increasing delay or congestion at U.S. ports of entry, therefore bringing together the distinctive and disparate needs of our northern border and our southern border.

Let me also say that this spreads a whole new light on the enormous tragedy that Angel Resendez-Ramirez brought on this country, with coming into the southern border with very limited information and the tragedy that occurred.

H.R. 4489 provides for continued input from government, business, and border communities. Under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can improve the flow of traffic at airports, ports, and land ports of entry. The Attorney General must make legislative recommendations to implement the findings of the task force.

Thank you, Mr. Chairman. I am pleased to come to the floor today to address an issue that has been controversial over the years as a result of the 1996 Immigration law, and that is Section 110 of that law.

Section 110 of the '96 law currently requires the Immigration and Naturalization Service to establish an automated entry and exit control system at all airports, seaports and land border ports of entry by March 30, 2001. The system is to collect a record of the departure for every alien departing the U.S. and matching the records of departures with the record of the alien's arrivals in the United States.

I am pleased to be an original co-sponsor of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. I want to commend Subcommittee Chairman SMITH and his staff for working with me and my staff to make the appropriate changes to Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These changes will encourage and expand trade, tourism, and cross border economic growth, while at the same time achieving important U.S. border law enforcement objectives.

H.R. 4489, a bill drafted through compromise, bipartisan and bicameral negotiations, eliminates the Section 110 requirements for implementing an entry and exit control system by March 30, 2001. Instead, H.R. 4489 would create an "integrated entry and exit data system" to enable INS to develop a computerized database of the information currently required to be collected by law at U.S. ports of entry.

H.R. 4489 sets out a plan for this system to be implemented in stages so that the database would eventually be accessible at all airports, seaports and land border ports, as well as U.S. consular offices. This new system would not create new data collection authority to impose documentary requirements. More importantly, this system would allow the billions of dollars of U.S. trade and travel which now require the presentation of ports of entry to continue to flow uninterrupted.

Texas has one of the longest international borders of any U.S. state that borders Canada or Mexico. With eleven ports of entry, Texas is the largest U.S. state in exports to Mexico. In 1998, U.S. exports to Mexico from Texas reached $24.1 billion. Many of these goods flowed through Houston ports of entry. Nearly $6 billion of total merchandise flowed to and from Mexico through Houston. The metropolitan area of Houston alone exports well over $2.4 billion in goods to Mexico in 1998.

H.R. 4489 also protects the free flow of people through our ports. Texas ranks 4th in the nation in overall visitor spending. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area.

H.R. 4489 provides for continued input from business, government, and border communities. Under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can "improve the flow of traffic at airports, seaports, and land ports of entry." The Attorney General must make legislative recommendations to implement the findings of the task force. This bill would increase our security and use of technology while not increasing delay or congestion at U.S. ports of entry.

I am also gratified that this new system will prevent fugitives like Angel Resendez-Ramirez, the infamous railway killer from entering this country undetected. This is very important.

Just a short list of the business and community organizations in support of H.R. 4489 is impressive. The U.S. Chamber of Commerce, the National Association of Manufacturers, the American Trucking Associations, the Travel Industry Association of America, the American Immigration Lawyers Association and our friends to the north and south, Canada and Mexico support this legislation. I agree and urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON asked and was given permission to revise and extend his remarks.

Mr. HOUGHTON. Mr. Speaker, I have just two points to make here. First of all, I am from New York, and I guess we have a lot of New Yorkers around here. But this is really important not only economically but in terms of all the relations we have with Canada. So that is number one.

But number two, I have just been with my friend, the gentleman from Michigan (Mr. UPTON), at a Canadian American delegation meeting. We talked about many issues, free trade to the Americas, the issues of trade with the Caribbean, agricultural issues, the whole variety of things. As we left yesterday that delegation, they said, do not forget...
that the single most important issue is this sword of section 110 hanging over our heads.

So I just want to say to my colleagues, as I am sure others have said far more eloquently, this is very important and I am enthusiastically supportive of H.R. 4499.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. LA Falce), a distinguished colleague of mine and the ranking member of another committee.

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

Mr. LA Falce. Mr. Speaker, I give special thanks to my colleague, the gentleman from Michigan (Mr. Upton), for working so closely with me over the past several years and especially to the gentleman from Texas (Mr. Smith), the chairman of the Subcommittee on Immigration and Claims. He has at all times been a scholar and a gentleman with respect to this issue. I do not want to praise this bill too much because I am afraid he might change his mind.

When the gentleman from Michigan (Mr. Upton) was up here, he said that we are almost at sword's point over this issue, section 110. That is true. But the biggest sword was the Damoclean sword that was hanging over the heads of the border communities along both our northern and southern borders since passage of the 1996 immigration law.

Our largest trading partner is Canada. Our second largest trading partner is Mexico. It was my judgment that implementation of section 110, while not intended to do so, would have had the primary effect of basically stopping commerce and virtually all forms of intercourse amongst our nations. That was not intended, but I fear that would have been the primary effect.

Today, by working together, we are removing that Damoclean sword. But that is playing successful defensive football. We need to go beyond that now after passage of this bill. We have to go on the offensive. And what does that mean? That means that we have to improve things.

We need more personnel on both our northern and our southern borders in order to expedite the flow of commerce and people. We need more technology in order to expedite the flow of commerce and people. We need infrastructure improvements with the Federal Government involved to expedite the flow of people and commerce with respect to the northern border and my communities of Buffalo and Niagara Falls and Lewiston and surrounding areas so affected.

Prime Minister Chrétien and President Clinton a few years ago agreed upon the Shared Border Accord. We call upon the President, we call upon the Prime Minister to be more aggressive in pursuit and implementation of that Shared Border Acco-
H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, replacing the current requirement that a record of arrival and departure be collected for every alien at every point of entry.

Section 110 was an attempt to identify visa overstays in the U.S. Neither Canadian nor U.S. citizens require visas. However, the implementation of this part of the law had the potential to cause more problems than it solved.

In 1998 alone, there were more than 76 million entries and exits to the U.S. by Canadian citizens.

Some of the largest of those crossing points are along the New York-Ontario border. In fact, Western New York is the largest port in the state of New York.

More than $85 billion in goods and services moved back and forth between Western New York and Southern Ontario in 1998 alone. And about $140 million per day moves across its border crossings.

It was estimated that stopping every vehicle entering and exiting the U.S.—as Section 110 required—would have caused 30 hour crossing delays at busy international border points. Business and industry in Western New York hoping to grow from increased trade and commerce simply could not afford those types of delays.

As NAFTA continues to encourage trade between the U.S., Canada and Mexico, the growth in traffic across the U.S./Canada border is expected to continue its 4%-7% annual growth rate over the next decade.

Congress must cross the northern border quickly and efficiently for U.S. companies to remain globally competitive and attract new foreign investment.

Congress must correct the problems associated with Section 110 as currently written to facilitate international commerce and promote continuing economic development in New York State and across the country. This legislation does that and, on behalf of Western New York residents and businesses, I urge its adoption.

Mr. BONILLA. Mr. Speaker, I am very pleased to see we have fixed the Section 110 problem by removing the cumbersome requirements made under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This is a very important issue to me, my constituents and all Americans living on our nation's borders. I have always made it a priority to see that no unnecessary burdens are placed on border residents. The implementation of Section 110, as proposed in 1996, would have crippled and severely restricted cross border trade, tourism and the environment.

It should be highlighted that H.R. 4489 does not create any new documentary requirements. We have amended section 110 to create an integrated entry and exit database system. We have allowed our advanced technology to direct our policy. The new system, once implemented, will match an alien's arrival data with their departure data. It will also produce a report of an alien's country of nationality and identify any non-immigrant who may have overstayed their visas. The bill also creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This will ensure we are always current with the most efficient and effective ways to safe and lawful border crossing.

The people living on our borders will benefit from this legislation, as it will facilitate expeditious, safe and lawful cross border trade and tourism.

Mr. REYES. Mr. Speaker, I rise today in strong support of the bipartisan agreement reached on Section 110 and presented to the House as H.R. 4489. I am proud to be an original cosponsor of this bill and ask all of my colleagues to support this legislation. This legislation will enhance the enforcement goals of Section 110 without punishing communities along the border.

H.R. 4489 eliminates the Section 110 requirements of implementing an entry/exit control system by March 20, 2001 and instead requires the INS to automate its ability to collect information on who is entering and exiting the U.S. This is good news for communities like El Paso that would have been devastated by the full implementation of Section 110.

Our ports-of-entry, which are already stressed, would have become parking lots. Business would have suffered and Canadian and Mexican tourists would have disappeared. Trade, which is so important to my district and others along the border, would have suffered greatly.

I commend Chairman SMITH for this effort during these negotiations. The goals of Section 110 of this bill allows us to make use of the information that we already gather on people entering and exiting this country. That is an important first step we must take prior to adding additional requirements to an already overwhelmed agency.

What this bill has shown us is that we must do a better job of providing the INS and Customs with additional personnel to man the ports-of-entry. We must make it a priority to staff the ports-of-entry along the Southwest Border so that we can have all lanes open for traffic. Additional personnel will allow us to better manage our borders, enforce our laws, and facilitate the flow of commerce. This is a good bill and I urge my colleagues to support this compromise.

Mr. BONIOR. Mr. Speaker, when Congress passed the immigration bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's what could happen unless we pass this corrective legislation today.

Section 110 of the 1996 immigration bill was interpreted as requiring Canadian and Mexican citizens to obtain entry and exit documents when traveling to the United States—even though the authors of the bill acknowledged that was not its purpose.

For communities at the border, Section 110 of the immigration bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's what could happen unless we pass this corrective legislation today.

This legislation will amend Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act in two ways. First, this bill will create a database to integrate and centralize the information that is already collected about aliens entering and leaving the United States. This solution will impose no new information collection requirements.

The compromise today allows for increased data collection and monitoring at our borders without compromising the flow of goods and tourists that are essential to the New York-Montreal border trade corridor.

New York exported $10 billion in goods to Canada in 1998 and hosted 2.2 million Canadian visitors. This exchange is already hampered today by the outdated facilities and lack of resources and our border crossings in New York.

This agreement today also gives the INS the tools it needs to make sure that the Section 110 problem for several years now. And now, through months of hard work and negotiations, I am pleased to lend my full support to this bipartisan solution to this vexing problem.

This legislation will amend Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act in two ways. First, this bill will create a database to integrate and centralize the information that is already collected about aliens entering and leaving the United States. This solution will impose no new information collection requirements.

Second, the bill establishes a task force that will issue findings and recommendations on enhancing data collection. The task force will also study and make recommendations on how to improve congestion at border points and facilitate border crossings. This task force will be made up of representatives of the public sector including agencies with interests in trade, tourism, transportation, immigration, law enforcement, national security and the environment. The task force will also include private sector representatives from affected industries.

Section 110, as written in the 1996 Immigration Reform law, would have had a devastating impact on the economies of border...
communities. By requiring a record of every person entering and leaving the US, border crossings would have been effectively shut down. The lengthy delays that are already experienced at border crossings would have increased to a near stand still. This legislation would also address the laudable goal for section 110, without effecting border traffic. Tracking aliens in the United States is something we need to facilitate. This bill will do that. I am thrilled that we have come to this important compromise.

I would like to take a moment to thank Chairman Smith, for his willingness to sit down and spend the hours and days that it took to reach this solution. I would also like to thank Congressmen Upton, LaFalce, McHugh, HoUGHTon, Reynolds and all of the other members and staff who spent so much time and effort to reach this compromise. I urge my colleagues to support this bill.

Ms. Stabenow. Mr. Speaker, I rise to join this bi-partisan effort to improve the provisions of section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This much needed revision of section 110 seeks to ensure that the law enforcement objectives of the 1996 law are preserved without adversely impacting Michigan's strong tourist and health care industry. Ms. Stabenow. To those of us who always opposed the provisions of section 110 that would produce enormous backups at our borders, this bill represents a much needed and long awaited compromise. The people of the great State of Michigan, some of whom cross the international border to Canada every day, are well served by this revision. I look forward to finding further ways we can improve our security and ensure the free flow of tourists and goods through the state of Michigan.

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

Mr. Smith of Texas. Mr. Speaker, we had an additional speaker on the way, the gentleman from New York (Mr. QuiNn), and he has not yet arrived. With the permission of the gentleman from Texas, I will go on and say to the Speaker, I have no requests for additional time, and I yield back the balance of my time.

The Speaker pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. Smith of Texas. Mr. Speaker, I include for the RECORD the following letter from Philip Smith, Director of Lao Veterans of America, Inc.:

Mr. Speaker, I ask unanimous consent to place the following letter in the RECORD:

Lao Veterans of America, Inc.,

HON. HENRY HYDE,
Chairman, Judiciary Committee,
House of Representatives, Washington, DC.

Dear Chairman Hyde: Thank you for attending our National Recognition Ceremonies, and for standing with the speakers, to mark the 25th anniversary of the end of the Vietnam War in Laos. We wish to express to you our deepest gratitude for your leadership role in the House of Representatives on behalf of the plight of the Hmong and Lao veterans who served bravely with U.S. clandestine and military forces in Laos, in those critical final days of the war. We would also like to respond to the inquiry by your office about our current position regarding the newly amended version of H.R. 371, the Lao Veterans of America Act of 1994, that passed the Senate on Thursday, May 18.

First, the unanimous, bipartisan vote for passage, on May 2, in the House of Representatives, of H.R. 371, was made possible largely because of your extraordinary leadership in helping to forge a bipartisan coalition along with that of Congressman Bruce Vento, the bill's courageous sponsor, and Congressman George Radanovich, the bill's key Republican activist. At the time of passage in the House, 109 bipartisan Members were officially signed on as cosponsors to H.R. 371. Many veteran organizations have also endorsed it, including the American Legion, U.S. Special Forces Association, National Vietnam Veterans Coalition, BRAVO, and Counterparts. We are grateful for your work with Subcommittee Chairman Lamar Smith as well as Minnesota Governor Jesse Ventura, who both deserve significant credit for the ultimate success of the legislation in the House, by weighing-in at the critical time and helping to move the bill forward.

Second, with regard to the issue of the lack of records maintained by the U.S. government on the Hmong and Lao veterans, the Lao Lao Veterans of America was very honored to be cited by name in the legislation as an example of an organization that could provide helpful input regarding the military records of those Hmong and Lao veterans who served in the U.S. Secret Army in Laos during the Vietnam War. As the nation's largest Hmong and Laos non-profit veterans organization, as well as the first such organization to be established and incorporated in the United States (some ten years ago), we have the unique ability of accessing the records of such records. The original records were destroyed in Laos at the end of the Vietnam War. We are, therefore, pleased to have been included in the legislation as an example of an organization that might be helpful with such records for the implementation of the bill. We are, indeed, honored to have been cited in this way by so many in the House and Senate who helped draft and officially sign on as cosponsors to H.R. 371.

Third, with regard to Congressman Vento's heroism, it is our hope that this legislation will help to serve as an enduring tribute to him when he leaves office at the end of the 106th Congress. Great men are those who, in time of crisis, rise above their personal circumstances to lead for the common good and help overcome the common enemies of mankind, such as injustice, ignorance and despair. It is important, from our perspective, to stress that Bruce Vento's personal challenge with cancer could easily, and understandably, have caused him to shrink from assisting us further with the passage of the Hmong veterans legislation. Instead, he redoubled his efforts, at that of his staff, even from his hospital bed. We are humbled and privileged to have had the honor to fight this battle on behalf of citizenship for the Hmong and Lao veterans together with Congressman Bruce Vento and you. For us, the struggle for this legislation began 30 years ago when we began to work with Congressman Vento to develop this legislation. Indeed, it has been a noble endeavor, at its essence an issue of justice for American allies, and friends, who fought so valiantly in this difficult struggle, both in the jungles of Southeast Asia as well as in the halls of Congress in Washington, D.C. Consequently, with your continued concern about the amended version of S.890/H.R. 371 that passed the Senate last week, we consider this legislation's passage historic and a great victory for the Hmong and Lao veterans of the U.S. Secret Army and their fellow refugees in Laos, who served with so much courage and sacrifice in the name of democracy and freedom. It is, indeed, fundamentally important for Hmong and Lao veterans organizations, including organizations such as the Lao Veterans of America, to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Department, and DOD have, indeed, honored, the large number of number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.

It is, indeed, important for the Hmong and Lao veterans organizations to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Department, and DOD have, indeed, honored, the large number of number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.

Fourth, with regard to your office's concerns about the amended version of S.890/H.R. 371 that passed the Senate last week, we consider this legislation's passage historic and a great victory for the Hmong and Lao veterans of the U.S. Secret Army and their fellow refugees in Laos, who served with so much courage and sacrifice in the name of democracy and freedom. It is, indeed, fundamentally important for Hmong and Lao veterans organizations, including organizations such as the Lao Veterans of America, to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Department, and DOD have, indeed, honored, the large number of number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.

It is, indeed, important for the Hmong and Lao veterans organizations to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Department, and DOD have, indeed, honored, the large number of number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.
Wellstone, Feingold and Robb, for their unflagging leadership and support. Like its House counterpart (H.R. 371), S. 890 achieved overwhelming bipartisan support with over 170 Senators and Representatives signing on to the legislation. The only exception was the alternative legislation introduced by Senator Rod Grams. The Lao Veterans of America was able to work with a bipartisan coalition of U.S. Senators and Hmong and Lao veterans from across the United States to help develop a compromise amendment regarding Senator Grams legislation. The language of this amendment was forged just last week.

The Lao Veterans of America was particularly grateful to have been consulted, and included, in helping to negotiate and work out the final compromise regarding the amendment to the legislation prior to the bill’s final passage in the Senate last week. Chairman Hatch, as well as Senators Leahy, Wellstone, Feingold, McCain, Kohl, Grassley, Kyl, and Specter were particularly helpful in building bridges and reaching across the aisle during the vigorous negotiations that led to hammering out the final language that was acceptable to all parties, including Senator Grams’ office.

Fifth, Mr. Chairman, with regard to the serious effort that has gone into the legislator concern of the Lao Veterans of America regarding this legislation, was the concern that we know that you share: the Hmong Veteran’s Naturalization Act is long overdue. Time is not an unlimited commodity for anyone. When one confronts one’s own mortality, and considers the personal plight of the two original sponsors of this legislation, both Congressman Vento in his battle with cancer, as well as Senator Paul Wellstone and his legislative director, Michael Epstein, their limitations of time become crystal clear.

One of our key points to members of the Senate was the grave concern shared by many across the political spectrum that the Congress was running out of the necessary legislative time in the 106th Congress to pass the bill, especially if significant changes were made to the original language of the Vento/Radanovich legislation (H.R. 371) that passed the House. We believe that you and the Hmong veterans successfully helped to commemorate last month when nearly 50 of our members converged on Washington, DC, on May 10th for the Lao Veterans of America National Recognition Ceremonies marking the 25th anniversary of the end of the Vietnam War in Laos.

Mr. Chairman, it is important to note that the Hmong and Lao veterans of the U.S. Secret Army waited twenty-two years, for national recognition in 1997 at the Vietnam Memorial and Arlington Cemetery. This was far too long. Likewise, they have worked nearly a decade for this legislation, working hard and waiting far too many years for H.R. 371/S. 890 to be passed by Congress. Indeed the fight began working on this legislation nearly ten years ago. I have attended too many funerals for the Hmong and Lao veterans, who have passed away without the dignity of being citizens in the country that they gave the best years of their lives fighting to assist.

Finally, Mr. Chairman, but by no means least, the passage of S. 890/H.R. 371, as amended by the Senate, is first and foremost a matter of sacred honor that is long-overdue. The Hmong and Lao veterans of the U.S. Secret Army are not honored by continuing due. The Hmong and Lao veterans of the United States by the Secret Army are not honored by continuing due. The Hmong and Lao veterans of the United States by the Secret Army are not honored by continuing due. The Hmong and Lao veterans of the United States by the Secret Army are not honored by continuing due.

In the Senate. Moreover, I would like to mention in working out the final language of the bill the support and determination of Mr. Senator LEVY of Texas. Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 371 is necessary is the Hmong “story cloth,” the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

I appreciate the support of Senator Patrick Leahy, Senator Russ Feingold, Senator Paul Wellston, and Senator Herb Kohl. Their support and determination in working out the final language of the bill helped secure passage of H.R. 371 last week in the Senate. Moreover, I would like to mention the support of the Lao Veterans of America, the largest Lao-Hmong organization in the nation, which has been actively working on this legislation for over 10 years.

Today, we finally honor the Lao-Hmong patriots for their sacrifice and service to the United States during the Vietnam War. It has been twenty-five years since the fall of Saigon and the last American troops pulled out of Southeast Asia. Events that have been relived these past months, harsh memories of Vietnam that are unpleasant to all Americans. While the Vietnam War is over for America, the plight of our friends and allies within this region and Laos must be remembered.

Lao-Hmong soldier, as young as ten years old, were recruited, fought and died along side 58,000 U.S. soldiers, sailors, and airmen in Vietnam. As a result of their bravery and loyalty to the United States, they were tragically, without the benefits of American citizenship, left to fight the communists and lost their homeland and status in Laos after the Vietnam War. Between 10,000 and 20,000 Lao-Hmong were killed in combat-related incidents and over 100,000 had to flee to refugee camps and other nations to survive.

Today, approximately 60,000 Lao-Hmong know the Minnesota region as their new home. Many of the older Lao-Hmong patriots who made it to the U.S.

We thank you for your leadership role and ask you to expeditiously seek to bring the amended version of the bill to the House floor under unanimous consent for immediate passage.

Sincerely, PHILIP SMITH, Washington, D.C., Director.

Mr. KIND, Mr. Speaker, I am a proud original cosponsor of the Hmong Veteran’s Naturalization Act, and I am pleased to see that this bill will be sent to the President’s desk for his signature. This bill will allow the Hmong veterans who fought with the United States against the communist forces in South-
are separated from their family members and have had a difficult time adjusting to many aspects of life and culture in the U.S., including passing aspects of the required citizenship test. Learning to read in English has been the greatest obstacle for the Lao-Hmong because written characters in the Hmong language have only been introduced in recent years. In addition, their long participation and service to U.S. forces in the Southeast Asian military conflict significantly disrupted any chance Lao-Hmong patriots may have had to learn a written language.

The Hmong Veterans Naturalization Act would help the process of family reunification and finally ease the adjustment of the Lao-Hmong into our U.S. society. Specifically H.R. 371 would waive the English language requirement for Lao-Hmong who served in special Guerrilla Units in Laos during the Vietnam War. This legislation would effect individuals who today reside legally in the United States.

It would not open new immigration channels nor would the bill give the Lao-Hmong veteran's status to make them eligible for veteran benefits. Moreover, the bill establishes strict criteria for approval and sets a cap of 45,000 who may benefit from this legislation.

This is an historic opportunity to recognize and in honor of the Lao-Hmong people and address a key problem of the older Lao-Hmong family members who are continuing to have a difficult time adjusting to life here in the USA. Fortunately, there is something positive we can do to help the process of family reunification and finally ease the adjustment of Hmong into U.S. society. It is time to move forward with action and grant citizenship to the Lao-Hmong patriots—who have after all passed a more important test than a language test. They risked their lives for American values and to save U.S. service personnel.

The Lao-Hmong people stood honorably by the United States at a critical time in our Nation's history. Today, we should stand with the Hmong in their struggle to become U.S. citizens and to live a good life in the United States. The Lao-Hmong already passed the hardest test of their lives in service to the United States. Now, their dedication and service deserves proper recognition.

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

There was no objection.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks (H. R. 371).

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

There was no objection.

PRIVATE MORTGAGE INSURANCE TECHNICAL CORRECTIONS AND CLARIFICATION ACT

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 3637) to amend the Homeowners Protection Act of 1998 to make certain technical corrections.
Mrs. ROUKEMA. 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. 3637.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey? There was no objection.

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

Mr. Speaker, today in support of H.R. 3637, the Private Mortgage Insurance Technical Corrections and Clarification Act,

This Act is a very important bill because it will eliminate the confusion that has resulted from implementation of the Homeowners Protection Act of 1998.

In this bill, we will clarify the cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance after May 23, 2000, as Congress intended in the original bill of 1998.

I want to thank the gentleman from Ohio (Mr. LEACH), chairman of the Committee on Banking, who is a co-sponsor of this bill, and Senator Lautenberg as ranking member, the gentleman from New York (Mr. LAFAULCE), for their contributions and their support as cosponsors.

I also wish to thank the gentleman from Minnesota (Mr. VENTO), the ranking member of the Subcommittee on Financial Institutions, who is a cosponsor of this bill and with whom I have worked closely on this and many other issues.

Mr. Speaker, I also want to especially thank the gentleman from Utah (Mr. HANSEN) for his support as an original cosponsor of this bill and for his strong leadership in this area.

The bipartisan support of this bill, along with the support of both industry and consumers, is a clear indication that the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

I would also like to note that the provisions of the bill were included in title IX of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. We passed that bill in April of this year with a resounding vote, 417-8; but at this point in time, there seems to be no Senate action contemplated. I do want to recognize the leadership that the gentleman from New York (Mr. LAFAULCE) gave as chairman of the Subcommittee on Housing and Urban Affairs and the important support for PMI issues in particular.

Mr. Speaker, we all remain strong in our support of not only H.R. 1776 and want to see that enacted, but in the meantime we must deal with the issues in this suspension.

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

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

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

Mr. LAFAULCE. Mr. Speaker, I rise as a primary cosponsor in support of H.R. 3637, the Private Mortgage Insurance Technical Corrections and Clarification Act. I specifically commend the gentlewoman from New Jersey for her excellent leadership and work on this technical corrections bill.

Two years ago, we enacted, on a bipartisan basis, the Homeowners Protection Act of 1998. That legislation set out reasonable provisions giving homeowners who utilize private mortgage insurance, frequently called PMI, the right to cancel their PMI insurance.

The bill describes in greater detail the original intent of the 1998 law that the amortization schedule upon which the cancellation and termination dates are determined should be prepared in accordance with the actual note.

The effect is to conform the requirements of cancellation and termination to the uniform methodology used in the industry to calculate ARM amortization schedules.

The bill also ensures that ‘‘defined terms’’ such as ‘‘adjustable rate mortgages’’ and ‘‘balloon mortgages’’ are used consistently and appropriately. The bill also defines several terms, such as ‘‘refinanced,’’ ‘‘midpoint of the amortization period,’’ and ‘‘original value.’’ These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower’s payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMIs that were owed by the borrower prior to the time that the mortgage insurance was canceled.

H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

The bill also ensures that ‘‘defined terms’’ such as ‘‘adjustable rate mortgages’’ and ‘‘balloon mortgages’’ are used consistently and appropriately. The bill also defines several terms, such as ‘‘refinanced,’’ ‘‘midpoint of the amortization period,’’ and ‘‘original value.’’ These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower’s payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMIs that were owed by the borrower prior to the time that the mortgage insurance was canceled.

The bill also ensures that ‘‘defined terms’’ such as ‘‘adjustable rate mortgages’’ and ‘‘balloon mortgages’’ are used consistently and appropriately. The bill also defines several terms, such as ‘‘refinanced,’’ ‘‘midpoint of the amortization period,’’ and ‘‘original value.’’ These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower’s payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMIs that were owed by the borrower prior to the time that the mortgage insurance was canceled.

H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

The bill also ensures that ‘‘defined terms’’ such as ‘‘adjustable rate mortgages’’ and ‘‘balloon mortgages’’ are used consistently and appropriately. The bill also defines several terms, such as ‘‘refinanced,’’ ‘‘midpoint of the amortization period,’’ and ‘‘original value.’’ These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower’s payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMIs that were owed by the borrower prior to the time that the mortgage insurance was canceled.

H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

The bill also ensures that ‘‘defined terms’’ such as ‘‘adjustable rate mortgages’’ and ‘‘balloon mortgages’’ are used consistently and appropriately. The bill also defines several terms, such as ‘‘refinanced,’’ ‘‘midpoint of the amortization period,’’ and ‘‘original value.’’ These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower’s payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMIs that were owed by the borrower prior to the time that the mortgage insurance was canceled.

H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

The bill also ensures that ‘‘defined terms’’ such as ‘‘adjustable rate mortgages’’ and ‘‘balloon mortgages’’ are used consistently and appropriately. The bill also defines several terms, such as ‘‘refinanced,’’ ‘‘midpoint of the amortization period,’’ and ‘‘original value.’’ These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower’s payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMIs that were owed by the borrower prior to the time that the mortgage insurance was canceled.

H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.
and stop paying monthly PMI premiums once they have paid their mortgage loan down to levels where private mortgage insurance is no longer needed. The concept is relatively simple. PMI is only required on loans where the loan-to-value (LTV) ratio is over 80 percent. Therefore, once a borrower pays down a mortgage loan to the point where the LTV is less than 80 percent, there is no need for the borrower to continue to pay for PMI. The bill from last Congress sets out terms and conditions under which borrowers have the legal right to cancel PMI. As a result, the borrower now has the right to cancel PMI and stop making payments once the loan balance has fallen below certain LTV ratios, generally either 80 percent or 78 percent. This will save consumers in this position hundreds or even thousands of dollars.

However, as is often the case with efforts to confer different House and Senate versions of the same bill very late in a session, the final bill could have been drafted better from a technical point of view. The PMI bill that was signed into law did include some ambiguities and inconsistencies, some omissions. The bill we are considering today cleans up these technical problems. At the same time, I want to make it very clear that is all we are doing. We are not changing policy or adding new provisions but only conforming to the threshold is first reached but not later. This bill clarifies that for loans made for the purpose of refinancing when establishing LTV ratios, the value will be determined at the time of the refinancing, not at the original time of home purchase. This avoids unfairly penalizing the borrower when the home has risen in value.

Finally, the legislation before us today includes a number of provisions that address ambiguities and correct other problems. Most notably, our bill clarifies that adjustable rate mortgages, balloon mortgages, or loan modifications, LTV calculations are made based on the most recent amortization schedule, not based on an outdated schedule. This was the original intent of the legislation. And while the original act did provide the clarification that, today's bill provides that clarity.

Finally, the bill before us today correctly defines the word "refinance," "residential mortgage," et cetera. The bill clarifies common sense interpretations of the act, for example, that cancellation or termination does not eliminate the borrower's obligation to make PMI payments legally incurred prior to the date at which the borrower is entitled to cancel PMI.

In short, this is a good, common sense bill, and I would urge its adoption.

Mr. Speaker. I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. VENTO), ranking member of the Subcommittee on Financial Institutions and Consumer Credit, who really did the bulk of the work on this issue.

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

Mr. VENTO. I thank the gentleman for yielding me this time.

Mr. Speaker, I concurred in the ranking member's remarks and the subcommittee chairman's remarks concerning this bill. In return, I want to just thank her for her leadership on this issue. It is a very important matter.

Frankly, private mortgages insurance is a major basis to provide for a common sense policy path that will in fact ensure that the rights to exercise and cancel this insurance, and I might comment to my colleagues that these payments could be anywhere from $50 to $100 difference a month in terms of what the homeowner actually pays in terms of mortgage insurance. This is no small matter for those that might be canceling such insurance to have the benefit of making this savings. This permits them to repair their credit, it permits them at midpoint to avoid this type of insurance when it is not necessary, and we all know that translates into homeownership; it translates into more Americans being able to take advantage of the American dream of homeownership.

Really, I think that our committee has prided itself in terms of obtaining and being part of the goal that had been enunciated by this administration and for others for many years and, that is, obtaining one of the highest rates of homeownership in our history. Today, of course, we are in the high-60 range in terms of homeownership. Some States because of lower costs are doing much better, such as my State of Minnesota. Others are challenged because of the high cost of housing and homeownership in those States. But, nevertheless, this bill will help maintain and provide the stability, provide the predictability, and provide the cheaper mortgage insurance and these important tools which are making it possible to obtain the dream of homeownership in this country.

I commend this bill to my colleagues. More than this, I rise in support of H.R. 3637, the PMI Technical Clarification Act. As one of the architects of the recent law that affords people the right to stop paying for costly private mortgage insurance when
they no longer need it, I am pleased that we are finally moving this technical corrections bill that will benefit consumers and the industry.

I joined my colleagues in cosponsoring this needed Private Mortgage Insurance Technical Corrections and Clarification Act so that we can clarify and make corrections to terms, rights for consumers and responsibilities for mortgage lenders under the Homeowners’ Protection Act of 1998. We worked together then, as we did today, with interested constituent mortgage industry groups to come up with a bill that worked to the benefit of all parties.

Unfortunately, we passed the Homeowner’s Protection Act, we were unable to prevail on one issue, and that was to actually have a regulator to work out some of the details of the statute and the underlying policy. That has left us with the need to clarify some smaller points in the statute, as is being proposed in this bill before the House of Representatives today. This point in highlighted by provisions such as those in Section 6, where we are coming back to define what the term “refinanced” means. That clearly is a definition that the Federal Reserve Board or the Department of Housing and Urban Development could have handled without further Congressional action. There are more meaningful and key clarifications contained in H.R. 3637.

For example, the bill, H.R. 3637, will clarify that PMI cancellation rights exist not only on the cancellation date, but on any later date as well, so long as the borrower meets all of the other cancellation requirements (including being current on loan payments). This was clearly our intent and is a needed fix resolved in this measure. H.R. 3637 also will make clear that a good payment history should be calculated on the cancellation date, or the date the borrower requests cancellation. In this way, the borrower cannot be frozen in a category of not having a good payment history at the first cancellation date, and therefore never eligible for cancellation—even if he or she has repaired and improved their payment history.

The bill eases lenders’ burdens by assuring a timely, yet sensible termination time of the first day of the following month after a borrower become current. This change eliminates the need for a lender to check and cancel PMI every day of the month following a consumer’s potential eligibility. It also clarifies that cancellation/termination rights are based on most recent amortization schedule for Adjustable Rate Mortgages and other products where the amortization schedule may change over the course of a loan’s life.

Two other important technical corrections include assuring that the goal post cannot continually be shifted by changing a currently undefined midpoint. H.R. 3637 will clarify that the midpoint is the halfway point between the first date of the loan and the last day of the period over which the loan is scheduled to be amortized. Finally, our bill also makes clear that the appraised value at the time of the refinance, not the value at origination purchase, should be used to determine the loan to value ratio and cancellation/termination rights.

Mr. Speaker, I want to express my thanks to my Democratic and Republican colleagues who have all worked together to bring this technical corrections bill before the House today and I urge other Members to support this necessary legislation.

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

We have worked closely with the gentleman from New York (Mr. LAFAULCE) and the gentleman from Minnesota (Mr. VENTO) on a fine bipartisan basis. I deeply appreciate their contributions and their work. But I also want to acknowledge again with more specificity the leadership of the gentleman from Utah (Mr. HANSEN), who was the first to identify and act upon the issue. I think it is very important that he brought it to the forefront of our attention and the need for the changes here.

Fundamentally, I do want to underscore, in conclusion, that not only do we have bipartisan support here; but we have real action about real money on a monthly basis for Americans to recognize and take part in the American dream, which has always been fundamental to our American democracy, namely, homeownership, a home of their own. I am pleased to have accepted the strong support on a bipartisan basis.

Mr. BENTSEN. Mr. Speaker, as a member of the House Banking Committee, I rise in strong support of H.R. 3637, legislation that will make technical corrections and clarifications to the Homeowners Protection Act. This law ensures that homeowners have the right to cancel their Private Mortgage Insurance (PMI) on their home mortgages once the homeowner attains a certain level of equity in the home (usually 22%, but in some cases 20%). Provisions included in this legislation were also included in H.R. 1776 which was approved by the House, with my support, on April 3.

This legislation clarifies that PMI cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule that is currently in affect. This will ensure that consumers get full benefit of any adjustments that have been made based upon recent calculations. In addition, this legislation ensures that balloon mortgages are also treated as ARMs so that consumers can receive the full benefit of any interest changes that are favorable to them.

This bill ensures that consumers with a “good payment history” have the right to cancel their PMI. In the past, there has been some confusion about what this term means. This legislation would make technical corrections so there is less ambiguity about this term. This measure includes a proviso that clarifies that these PMI cancellation rights only apply to mortgages originated after the 1998 law’s enactment date. Finally, this bill ensures that consumers can cancel their PMI after the cancellation date as long as they have paid all of their PMI charges. The original law did not provide their consumer protection provision. As a result, consumers had only one opportunity to cancel their PMI.

I strongly urge my colleagues to support this corrective legislation that will protect consumers and improve the Homeowners Protection Act.

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

Mr. Speaker, pro tempore. Debate has concluded for the time being on motions to suspend the rules. Pursuant to clause 8, rule XX, the Chair will now put the question on each of the first three motions on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 297, by the yeas and nays; H. Res. 443, by the yeas and nays; and H.R. 3544, by the yeas and nays.

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

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

The SPEAKER pro tempore. The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 297, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 13, not voting 21, as follows:

[Roll No. 217]

YEAS—400

NOES—13

Mr. Berman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 13, not voting 21, as follows:

[Roll No. 217]

YEAS—400

NOES—13

Mr. Berman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 13, not voting 21, as follows:
The SPEAKER pro tem (Mr. KYKENDALL). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on any additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAGS IN AMERICAN VOMOA.

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 433, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, House Resolution 433, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

YEAS—417

[Roll No. 218]

YEAS—417

McIntyre

The vote was taken by electronic device, will be taken on the period of time within which a vote will reduce to a minimum of 5 minutes.
pass the bill, H.R. 3544, as amended, on that the House suspend the rules and the question of suspending the rules.

Pope John Paul II Congregational Gold Medal Act

The SPEAKER pro tempore (Mr. Kuykendall). The pending business is the resolution, as amended, was agreed upon. So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 297, LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 297, the Clerk be authorized to make technical corrections and conforming changes to the bill, specifically on page 10, line 17, the contract number should read, “14-06-2004.”

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule

Yeas—416

Nays—17

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.
programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

8. Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

9. Increasing public awareness regarding automated external defibrillator devices and encouraging Federal buildings will greatly facilitate their adoption.

10. Limiting the liability of Good Samarians and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

SEC. 3. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

"RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

SEC. 247. (a) GUIDELINES ON PLACEMENT.—
The Secretary shall establish guidelines with respect to the placement of automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which such circumstances exist, such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

(2) Proper maintenance and testing of the devices.

(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

(5) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

(1) consult with appropriate public and private entities;

(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in non-hospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initiation of basic life support, including defibrillation as necessary; and

(3) consult with and counsel other Federal agencies as to whether such devices are to be used.

(d) DATE FOR ESTABLISHMENT OF GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of enactment of the Cardiac Arrest Survival Act of 2000.

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

(1) The term 'automated external defibrillator device' has the meaning given such term in section 226a of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360a).

(2) The term 'Federal building' includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.''.

SEC. 4. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 3 of this Act, is amended by adding at the end the following section:

"LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDs.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device, and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device before a reasonable period of time after the device was placed;

(2) to properly maintain and test the device; or

(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer who used the device on the victim, except that such requirement of training does not apply if—

(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

(4) the person is an acquirer of the device who leased the device to a health care entity otherwise permitted to use such entity for compensation without selling the device to the entity, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.
My colleagues, automated external defibrillators, or AEDs, are small, portable medical devices regulated by the Food and Drug Administration, that can measure a victim’s heart rate, determine whether the victim is suffering from fibrillation, and if an electric shock is necessary, and can even instruct the layperson whether and when to shock the victim and when to perform CPR.

I have a chart here called “The Chain of Survival.” Clearly, my colleagues can see from the chain of survival the four links are open access to emergency care, early cardiopulmonary resuscitation, early defibrillation, and early advanced life support.

While defibrillation is the most effective mechanism to revive a heart that has stopped, it is also the most effective tool we have available to treat victims suffering from heart failure.

My colleagues, these devices are very safe, effective, and they do not allow a shock to be administered until after the device has measured the victim’s heart and determined whether a shock is required.

Earlier this month, the Subcommittee on Health and Environment held a very moving hearing on H.R. 2498, and many of my colleagues said it was the best hearing they have ever seen. We heard from Dr. Richard Hardman, who helped design and implement an AED program in Las Vegas. Dr. Hardman helped train over 6,500 security officers to achieve an average interval emergency medical response time of less than 3 minutes.

With over 200 sudden cardiac arrests occurring in covered locations in this region of Las Vegas, this AED program was able to save an astounding 57 percent of the victims.

Dr. Hardman showed the subcommittee a videotape of an actual cardiac arrest victim, who was treated with an AED device from lay bystanders, and when their efforts were all successful they were shocking back to life within minutes. This could happen to any one of us.

For example, we heard moving testimony from Robert Adams, a 42-year-old attorney, younger than many of us, an NCAA referee, an outstanding college athlete, captain of his basketball team, in the prime of health, who had recently passed several extensive physical exams with flying colors; and yet he, too, suffered a sudden cardiac arrest occurring in the central emergency medical response time of less than 3 minutes.

The Sinking of the Titanic.

The ship struck an iceberg on the night of April 14, 1912, and with a death toll of over 1,500 people, it is the most famous maritime disaster in history.

The ship was not equipped with lifeboats and only about 600 of the 2,224 passengers and crew survived.

The ship sank in 3 hours, and the cause of the sinking was the collision with an iceberg.

The Titanic was a British passenger liner that was commissioned in 1911.

The ship was equipped with state-of-the-art technology for its time, including a steam engine, electric lights, and a telephone system.

The ship was carrying over 2,000 passengers and crew members, and the voyage was expected to take about 10 days.

The ship was traveling at a speed of 22 knots when it hit the iceberg.

The ship began to list to one side, and the passengers and crew members were evacuated to lifeboats.

The ship eventually sank, and about 1,500 people died.

The sinking of the Titanic is a tragedy that will never be forgotten.

It is a reminder of the importance of safety and preparedness in all aspects of our lives.

The sinking of the Titanic is a lesson that we must never forget.

It is a lesson that we must never forget.
H3586
CONGRESSIONAL RECORD—HOUSE
May 23, 2000

at the time. Those children would not have their father today had Grand Central Station not procured this AED and been willing to publicly install an AED device and, of course, that the unrelated bystanders been willing to use it to save a child’s life.

Let me move to this other chart. “Every Minute Counts.” This is a very important chart. We can see that for every minute that goes by, we can see the effects that it will have on a person who suffers from ventricular fibrillation; and, surely, if we can save this many lives with just having this very small inconspicuous device, this bill will promote and save lives.

Do my colleagues know that for every minute of delay in returning the heart to its normal pattern of beating, it decreases the chances of that person’s survival by 10 percent?

Unfortunately, according to the testimony of Dr. Hardman and AED legal expert Richard Lazar, AEDs are not being widely employed because of the perception, the simple perception among us that would-be purchasers and users of AED would get sued.

This is a lot like the debate with the fire extinguishers 100 years ago; but our bill, H. R. 2498 removes a barrier to adopting AED programs. If a Good Samaritan, like someone in the Bible, or a building owner or a renter of the building acts in good faith and he or she uses the AED to save someone’s life, this bill will protect them from unfair lawsuits.

We may not want to force people to provide medical care to someone having a heart attack; but, my colleagues, if they are willing to do so, we should not put them at risk of being sued for unlimited damages if something goes wrong.

This legislation directs the Secretary of Health and Human Services to develop guidelines for the placement of defibrillators in Federal buildings. These devices, AEDs, are small, easy to use and laptop size. They can analyze the heart rhythms, every minute that passes, his or her chance of survival decreases by as much as 10 percent. As a result, less than 5 percent of out-of-hospital cardiac arrest victims will even survive.

Recently, I was very fortunate to hear the testimony of Mr. Robert Adams, describing how his life was saved in Grand Central Station in New York City by a publicly available AED. This moving story is a sure indication of the lifesaving capabilities that this bill will unleash.

Currently, I serve as the cochair of the Heart and Stroke Coalition in the House, so I have a special interest in these issues of heart disease. Working closely with the American Heart Association, the American Red Cross, this coalition is a bipartisan and bicameral group which is concerned with heightening awareness of heart attack, stroke, and other cardiovascular diseases.

Additionally, the coalition works to promote research opportunities in the area of heart disease and stroke and acts as a greater resource on key issues, such as public access to automatic external defibrillators.

The American Heart Association estimates that, with increased access to AEDs, up to 50,000 lives could be saved each year. That is reason enough for us to pass this legislation.

I urge my colleagues to support H. R. 2498, the Cardiac Arrest Survival Act.

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

Mr. STEARNS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. Morella).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise today to urge support for H. R. 2498, the Cardiac Arrest Survival Act.

I certainly want to commend him for his leadership and sponsorship of this legislation which is so important to all of us in this country. I also want to commend the gentlewoman from California (Mrs. CAPPS) for her constant attention to health issues, and this is indeed a situation of public health.

This legislation that the gentleman from Florida (Mr. STEARNS) has introduced places automatic external defibrillators, AEDs as they call them, in the acronym, in Federal agencies. It would help with public access. What it does is it establishes the Federal Government as a role model. Guidelines will be established, in the hopes that the private sector will also follow and State governments will follow.

Public access to AEDs, in the words of Dr. Tom Aufderheide, an associate professor of emergency medicine at the Medical College of Wisconsin, Milwaukee, represents potentially the single greatest advance in the treatment of cardiac arrest since the development of CPR.

Approximately 350,000 Americans die annually from sudden cardiac death. If we can make the use of AEDs more widespread, that tremendously high loss of life will indeed diminish.

More and more people are taking courses to familiarize themselves with both CPR and the use of an AED. In addition, the machine is not difficult to use. It automatically analyzes heart rhythm and decides whether to shock.
It also gives verbal prompts at each step, and it even has pictures on the pads to show where to attach them to the chest.

I want to share with my colleagues one story that appeared in the American Medical News. I know there’s a concern on the wall near here and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode. Since this incident last year, there has been at least one save almost weekly at Chicago’s Midway Airport where a man nearby fell to the ground. Fortunately, an AED was mounted on the wall near her and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode. Since this incident last year, there has been at least one save almost weekly at Chicago’s Midway Airport, and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode.

AED was mounted on the wall near her and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode. Since this incident last year, there has been at least one save almost weekly at Chicago’s Midway Airport, and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode.

It is clear that in cases of cardiac arrest, time is of essence. For instance, in my hometown of Indianapolis, Indiana, I remember hearing about a very frightening incident of a middle-aged man who was in full cardiac arrest while playing at the National Institute For Fitness and Sports, where I am also a member. Thanks to the quick and heroic efforts of the staff at NIFS, who had access to a defibrillator, were trained in its operation, the man’s life was saved.

We need to have these defibrillators not only in the public Federal buildings but all the local buildings. And, of course, hopefully, some day they will be just as apparent and obvious as fire extinguishers, and they will save at least 50,000 lives a day. And remember, 50,000 lives is an enormous amount of savings of health care costs. And remember, 50,000 lives is an enormous amount of savings of health care costs.

I want to remind and encourage all of our colleagues to support this life-saving piece of legislation, the Cardiac Arrest Survival Act. By setting the example through authorizing the use of Automated External Defibrillators (AEDs) in public buildings, in Federal buildings, we will do our part in saving additional lives.

But we also need to set a new example for this country in the way we want to move forward. As such, I commend my colleagues for bringing forward the bill and urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
in bringing this legislation to the floor. This legislation has 130 cosponsors, including 13 Democratic members of the Committee on Commerce. It is also supported by the American Red Cross, the American Heart Association, and the Administration.

Mr. Speaker, before the Committee showed that returning the heart to its normal rhythm quickly is the single most important thing needed to improve the chance of survival from cardiac arrest. In Las Vegas, where automated electronic defibrillators have been placed in casinos and casino employees have been trained in their use, the out-of-hospital survival rate from cardiac arrest has increased dramatically. Prior to the widespread deployment of these devices, the cardiac arrest survival rate in Las Vegas was only 10 percent; it is now 57 percent. Defibrillation clearly saves lives. The purpose of H.R. 2498, therefore, is to encourage Federal agencies to install automated external defibrillators in their buildings and to give so-called "Good Samaritan" protections from liability for people who use or acquire these devices. The "Good Samaritan" liability protections do not apply if the harm was caused by a person's conscious, flagrant indifference to the rights or safety of the victim. Nor does it apply if it is being used by a doctor or nurse or other licensed professional in their scope of employment. The "Good Samaritan" liability protections do not apply if the harm was caused by a person's conscious, flagrant indifference to the rights or safety of the victim. Nor does it apply if it is being used by a doctor or nurse or other licensed professional in their scope of employment.

As reported by the Committee on Commerce, H.R. 2498 is consistent with legislation which passed the Senate by unanimous consent last year. I might add that the Department of Justice, in a letter to Chairman BULEY dated May 8, 2000, stated that it, too, supports this legislation with the changes adopted by the Committee on Commerce in the reported bill before us today.

Mr. Speaker, I urge my colleagues to vote for this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 2498, the Cardiac Arrest Survival Act. This critical piece of legislation would improve survival rates for victims of cardiac arrest by increasing access to cardiac defibrillators in federal buildings.

Everyday 1,000 Americans suffer from sudden cardiac arrest, usually outside of a hospital setting. Unfortunately, more than 95 percent of these victims die because life-saving equipment is not readily available or arrives too late. When a defibrillator is used to deliver a shock to a heart with an abnormal rhythm, survival rates for cardiac arrest sufferers increases to as much as 20–30 percent. Every minute of delay in access to defibrillators leads to a 10 percent increase in cardiac arrest mortality. Therefore, it is vital that Automated External Defibrillators (AEDs) be made available for use in public areas and the public should be educated on how to operate this user-friendly life saving equipment. H.R. 2498 directs the Secretary of Health and Human Services to develop recommendations for public access to defibrillation programs in Federal buildings in order to improve survival rates of people who suffer cardiac arrest in Federal facilities. Federal buildings throughout America will be encouraged to serve as examples of rapid response to cardiac arrest emergencies through the implementation of public access to defibrillation programs. The programs will include training proper personnel in the use of the AED, notifying local emergency medical services of the placement of AEDs, and ensuring proper medical oversight and proper maintenance of the device. Furthermore, this bill seeks to fill in this gaps with respect to States that have not enacted such laws, extending good samaritan liability protection to people involved in the use of the AED.

I commend Representative CLIFF STEARNS for introducing this life-saving piece of legislation. And I urge all my colleagues to vote in support of S 2495, the Cardiac Arrest Survival Act, which could save up to 50,000 lives each year by increasing access to Automated External Defibrillators.

I also want to take the opportunity to recognize a very special group of high school students from my district who have been working feverishly in support of H.R. 2498. The 341 members of the Distributive Education Clubs of America (DECA) Chapter at Robinson Secondary School launched a dual campaign last fall to successfully passage of H.R. 2498, but to also educate the public about the benefits of AEDs. Robinson's DECA Chapter recognized that a group of potential sudden cardiac arrest victims have been ignored by the public: teenagers. These students sought to rectify this situation by initiating a public relations campaign to raise general awareness about the benefits of AEDs and to outfit high schools with these valuable devices. In a school as large as Robinson Secondary School, with 5,000 teachers, students, administrators, and community members, the need for an AED is particularly evident. In order to acquire the first student-purchased AED in the country, Robinson DECA held the Heart Start Shopping Night and raised the needed $3500. In working with the American Heart Association and a professional advisor committee, Robinson DECA also realized that not every state currently has legislation to provide Good Samaritan protection for operators of the AED. This motivated DECA to work in support of the passage of H.R. 2495, the Cardiac Arrest Survival Act. Their lobbying efforts included developing a slogan and logo, researching H.R. 2495 in order to write a research paper, personally lobbying all 435 House of Representatives members as a rally on the steps of the United States Capitol, holding a press conference, and designing and operating an internet home page.

Mr. Speaker, I applaud Robinson DECA's enthusiasm and dedication in helping others understand the great need for AEDs. And I share their pride today in seeing this vital bill coming to a vote on the House floor.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 2498, the Cardiac Arrest Survival Act of 1998. This bipartisan bill was authorized by my Florida colleague, Congressman CLIFF STEARNS. It was unanimously approved by the Health and Environment Subcommittee on May 9, and it was reported favorably by the Commerce Committee on May 17.

Mr. Speaker, Americans die each year due to cardiac arrest. Many of these victims could be saved if portable medical devices called automated external defibrillators or "AEDs" were used. AEDs can analyze heart rhythms for abnormalities, and if warranted, deliver a life-saving shock to the heart. Experts estimate that 20,000 to 100,000 lives could be saved annually by greater access to AEDs. Such a tragic loss is unacceptable, and the Department of Health and Human Services greater flexibility to update the guidelines over time and greater guidance as to what types of assistance and involvement Congress intends. The amendments also clarified the liability provisions and incorporated standards for AED use and training.

The bill before us enjoys the strong support of the American Red Cross and the American Heart Association, as well as many Members on both sides of the aisle. It is rare that a solution to a problem so readily presents itself. We must seize this opportunity to reduce the number of lives tragically lost to cardiac arrest. I urge all Members to join me today in supporting this important legislation.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 2498, as amended.

The question was taken.

Mr. STEARNS. Mr. Speaker, on that demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HARRY S TRUMAN FEDERAL BUILDING

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3639) to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building", as amended.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3639) to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building", as amended.

The Clerk read as follows:

H.R. 3639

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

SECTION 1. DESIGNATION. The Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, shall be known and designated as the "Harry S Truman Federal Building".

SEC. 2. REFERENCES. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Harry S Truman Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).
Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I am very pleased to move this measure directly to the floor today to honor a truly great American.

Harry Truman was an improbable president. He was not one of the great Washington halls; he was a small farmer, a county judge, a county commissioner. He championed a road construction program in his county and, indeed, later, when he was elected to the United States Senate, he helped draft the Transportation Act of 1940 as well as the Aeronautics Act of 1938.

During the time he presided as president, he indeed presided over the fall of Germany, the ultimate surrender of Japan, and he made the historic decision to drop the bomb on Hiroshima and Nagasaki, which many say saved as many as a million American lives.

While the world was recovering from the war, he urged the creation of the United Nations and set forth the Truman doctrine, a policy that supports free people who resist communism. And Greece is free today probably because of the Truman doctrine, not as a philosophical abstraction, but by facing, along with those he commanded, artillery fire at night, in the mud, in the rain in France during World War I.

Truman was a farmer and a small businessman who worked hard and was taken a living on the farm and from a retail store. Then this farmer, small businessman, volunteer soldier helped create a vision for America's place in the world.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me the time and for bringing this bill to the floor.

Mr. Speaker, I was pleased to join the gentleman from Missouri (Mr. SKELETON) to introduce the bill to name the Headquarters Building of the U.S. State Department for our Nation's 33rd President and Missouri's favorite son, Harry S Truman.

The "Man From Independence" was a man like millions of others at the beginning of the 20th century. He reflected America's farms and small towns. He understood poverty and hard work. He valued education and read book after book from the Independence Public Library. He later would observe that there was not much left in human nature that one could not find in Plutarch's Lives in a community where not lots of people had read Plutarch's Lives.

He owned his home, he valued his love for his wife Bess and their daughter Margaret was unquestioned. His family was most important to him. He was a man who understood courage, not as a philosophical abstraction, but by facing, along with those he commanded, artillery fire at night, in the mud, in the rain in France during World War I.

Truman was a farmer and a small businessman who worked hard and was taken a living on the farm and from a retail store. Then this farmer, small businessman, volunteer soldier helped create a vision for America's place in the world.
world that was far different from that imagined by those who had gone before him and shaped American foreign policy for decades.

If there is one word that describes this native of Lamar, Missouri, it was “courage.” The courage of convictions allowed him to rally his troops late at night in the face of open fire the way he did in the forests of France. He proved he had that kind of courage. But Truman also had the courage of his convictions.

Two is the number of convictions that catapulted him to the ranks today of one of the greatest Presidents of our history. He willingly rejected conventional wisdom at the end of World War II and led the free world to provide for the effective rebuilding of Japan and Germany rather than trying to crush their national identities.

Truman knew the sacrifices and heroism of African American soldiers, sailors, and airmen. He understood that these men and women were not being treated properly. His courage allowed him to cast aside decades of prejudice to order that the U.S. Armed Forces would be no longer segregated, a decision he made more than 20 years before the Civil Rights Act passed this House.

The “Man From Independence” was known for being a leader to defend the Constitution. His courage allowed him to stand toe to toe with General Douglas MacArthur and ensure that constitutional separation of civilian and military power was upheld.

Even in this age when it has become fashionable to announce the decisions of past leaders, I believe it was the courage of Truman’s convictions that allowed him to make one of the most far-reaching decisions of the 20th century, which the gentleman from Minnesota (Mr. OBERSTAR) has already mentioned, and bring an end to World War II.

As America enters the new century as the undisputed leader of the world, our foreign policy must be driven by our convictions about peace, about justice, about freedom. But conviction alone is never enough. President Harry Truman had convictions, but he also had the courage to put those convictions into practice, even when others doubted and criticized him.

Commemorating the memory of this great President by naming the headquarters of the State Department can send an important signal to the rest of the world. The American people are proud of their history and will defend it against our enemies. We should honor these heroes.

Mr. OBERSTAR. Mr. Speaker, I yield 3 1/2 minutes to the gentleman from Missouri (Mr. SKELTON), who is the principal advocate and relentless advocate for this legislation.

Mr. SKELTON. Mr. Speaker, I am pleased that H.R. 3639 has come before the House. This bill, which I introduced along with my fellow Missourian (Mr. BLUNT), would name the State Department Headquarters Building in honor of our 33rd President, Harry S. Truman.

I especially thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for bringing this bill to the floor.

I came to personally know President Truman through my father, Ike Skelton, Sr., who developed a friendship with him some 71 years ago at the dedication of the Pioneer Mother Statue, the Madonna of the Trail, located in my hometown of Lexington, Missouri. Through the years, I developed my own friendship with this genuinely nice person we call the “Man From Independence.”

President Truman was a man of strong personal character who held deep regard for his country and for the American people. He was a man of conviction and action, he had his life-long sweetheart Bess and to his daughter Margaret Truman Daniel. He was politically courageous, and during the critical years that ended and followed World War II, Harry Truman was faced with many difficult and often politically unpopular decisions. However, he faced these obstacles head on and established a foreign policy that guided the United States of America through the duration of the cold war.

Most importantly, Truman guided the United States away from our established pattern of peacetime isolationism in order to assist European economic recovery and security.

During his presidency, Truman launched the Marshall Plan and established the North Atlantic Treaty Organization under which Western Europe remains protected to this day.

President Truman also displayed significant courage in standing up to the communist aggression that marked the beginning of the cold war. The Truman Doctrine made it clear that the United States would not stand idly by in the face of communist aggression. Truman’s commitment to the democratic rights of free people was also made clear as the U.S. provided essential supplies to the people of Berlin during the Soviet blockade and when Truman made the agonizing decision to use American troops to lead the United Nations resistance to the communist invasion of South Korea. These actions earned the praise of British Prime Minister Winston Churchill, who said to Truman, “You, more than any other man, have saved Western Civilization.”

I want to issue an apologetic appeal to recognize the importance of America’s effective diplomacy as a complement to our strong economy and military forces. Time and time again during his presidency, President Truman spoke eloquently to the American people about the lessons of history and the responsibilities of leadership.

In 1947, Truman said, “We have learned by the costly lessons of two world wars that what happens beyond our shores determines how we live our own lives. We have learned that, if we want to live in freedom and security, we must work with all the world for freedom and security.”

I urge my colleagues to vote for this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY. Mr. Speaker, I am proud to say he will always be Missouri’s favorite son.

Mr. SKELTON. Mr. Speaker, I yield to the多数的 colleagues in saluting Missouri’s favorite son and one of this Nation’s most popular Presidents, Harry S. Truman.

President Truman had on his presidential desk, which reads, “The buck stops here.” It is a constant reminder of his goal to maintain common sense and service to the people and helped him to prevail during the many difficult global situations he faced during his presidency.

In his inaugural address, he outlined an unprecedented foreign policy agenda. Last year, I was able to join in witnessing the expansion of the Truman foreign policy legacy at the Truman Presidential Library. We commemorated the 50th anniversary of NATO, which he created. And in the spirit of Harry Truman, NATO was expanded to include representation from the Czech Republic, Hungary, and Poland.

The naming of the U.S. State Department Building after President Truman is really only the beginning. The appropriate and meaningful tributes that he left behind can make in his memory. May every individual who enters the State Department Building be inspired by the many
national and foreign policy accomplishments of Harry Truman.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639, and I ask that we honor President Truman, this legendary leader, who has left such a tremendous legacy to those of us who continue to work so hard to make possible the leadership and the greatness that our country commands today.

Mr. Speaker, I am honored to rise today in support of H.R. 3639, a bill to designate the U.S. State Department building as the Harry S. Truman Federal Building. I join my colleagues in saluting Missouri’s favorite son and one of this Nation’s most popular Presidents, Harry Truman.

Choosing to name the U.S. Department of State after President Truman is a fitting tribute to the man who helped end isolationism and establish this country’s dominant role in international relations.

I have a deep personal interest in the life and legacy of President Truman because I represent Independence, Missouri, where Harry Truman launched his career in public service as Jackson County Judge. His historic Presidential Library and his home and farm are located in my Congressional District.

Harry Truman distinguished himself as a plain spoken leader who cared about the people. He has been a model for me in my service to the people of Missouri. His honest, matter of fact approach to all issues is one all public servants can aspire to. In my congressional office I have a replica of the message that President Truman had on his desk which reads “The Buck Stops Here.” It is a constant reminder of his goal to maintain common sense in service to the people and helped him to prevail during the many difficult global situations he faced during his Presidency.

President Truman’s career was highlighted by many accomplishments: The famous Truman Committee of the early 1940s; victory in world war II; the recognition of the new state of Israel; and most notably his vision for the future of foreign policy. President Truman demonstrated the compassion and courage admired by the world through his strategic action in employing the Berlin Airlift and his commitment to “supporting the peoples who are resisting subjugation...” which became known as the Truman Doctrine.

Truman in his inaugural address outlined an unprecedented foreign policy agenda calling for the ongoing support of the United Nations, the continued support for the Marshall Plan, the creation of a collective defense for the North Atlantic—NATO (North Atlantic Treaty Organization), and “Point IV—a bold new program” to help the underprivileged peoples of the world. Last year I was able to join in witnessing the expansion of the Truman foreign policy legacy at the Truman Presidential Library. As we commemorate the 50th anniversary of NATO in the spirit of Harry Truman, NATO was expanded to include representation from the Czech Republic, Hungary, and Poland.

I am extremely proud to have supported H.R. 3639, a bill that I firmly believe that naming the U.S. State Department building after President Truman is one of the most appropriate, meaningful tributes this Congress can make in his memory. May every individual who visits the State Department building be inspired by the many national and foreign policy accomplishments of Harry Truman.

Finally, I want to make part of the record a beautiful collection of words which the President carried in his wallet from the time he graduated from high school. According to the Truman Library, the President attributed the words to a poem by Alfred Lord Tennyson entitled “Locksley Hall.” The words are powerful and I hope my colleagues find the words as inspiring as I did:

For I sit into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be.
Saw the heavens fill with commerce. Argo-sies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rain’d a ghastly dew
From the Nations’ airy navies grappling in the central sea;
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thr’ the burning surf;
Till the war-drums throb’d no longer, and the battle-flags were furled
In the parliament of man, the federation of the world,
There the common sense of most shall hold a fireful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639 to name the U.S. State Department building after President Harry S. Truman. It is a fitting tribute to the man who helped end isolationism and establish our country’s role in global affairs.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639 to name the U.S. State Department building after President Harry S. Truman. It is a fitting tribute to the man who helped end isolationism and establish our country’s role in global affairs.

This is a man who led us out of the darkness of war and into the dawn of peace. He leaves a legacy that those in Missouri and indeed our entire Nation are very proud of.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I want to congratulate the gentleman from Missouri (Mr. SKELTON) as well as the gentleman from Missouri (Mr. BLUNT) for introducing H.R. 3639, to name the State Department headquarters building in honor of our 33rd President, Harry S. Truman. I remember that expression that was shared just a while ago about the buck stops here, because he took full credit as well as at times took the heat for what occurred during his watch. He offered a lot of what I call political courage and will always be remembered as one of the greatest Presidents in the history of this country.

I met President Truman in the 1950s when my father, Governor Frank G. Clement, was governor of Tennessee, and he visited the governor’s residence in Tennessee. We had him for dinner as well as he spent the night. I will never forget the next morning. My father went to his room knowing that President Truman had a habit of getting up early in the morning. My father went to the guest quarters at the governor’s residence, no Harry Truman, and could not find him. He went downstairs and asked the security people, where is the former President? Where is President Truman? None of the security people had seen him. They found him walking down Curtiswood Lane all by himself in front of the governor’s residence. He would always be one of those kinds of people to surprise people and do what he wanted to do because he was just that kind of person. I will say my father just about fired three or four security people right there on the spot, having the former President here at the governor’s residence; and we could not find where he was.

He made a difference. He is responsible and launched the Marshall Plan. He helped end World War II, NATO, the Truman Doctrine. He will always be remembered as one of the greatest Presidents in the history of this country.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEN).

Mr. HINCHEN. Mr. Speaker, I am very happy to say a few words in strong support of H.R. 3639, the legislation to name the State Department building for President Harry S. Truman. It is a most appropriate tribute to our 33rd President to engrave his name on the building that houses our diplomatic corps.

Harry Truman, as we all know, rose from humble beginnings to become the next great American leader. I remember, as President, he would arrive in Washington, accompanied by his wife, Bess, and his dog, Fala. And there would be an occasion when the President would unexpectedly arrive, I believe it was a storm, and the Governor of Missouri was about to leave, and he said to him, "You have got to stay because I’m coming." And the Governor said, "Well, I’ll stay," and the President came. It was a simple expression that was not an unfamiliar one that was so familiar to the folks back home that he knew how to do his job.

Mr. Speaker, this is our chance to honor the man who led us out of the darkness of war and into the dawn of peace. This is one of the greatest leaders the country has ever known. This is our chance to honor that man who led us out of the darkness of war and into the dawn of peace. This is our chance to remember President Harry S. Truman.
leader of our Nation during a time of great crisis. When Franklin Roosevelt died 80 days into his fourth term, his Vice President had been ill-prepared to take over. Not part of Roosevelt’s inner circle, Truman had to learn most of his job on the fly. The country was still at war in Europe and the Pacific. The atomic bomb was being developed in secret, and Joseph Stalin was backing away from the agreements reached at Yalta. 

But within Truman’s first month in office, Germany surrendered. While confronting the need to rebuild Europe and control Stalinist governments in Yugoslavia and Poland, the new President also had to wage war in the Pacific. When Japan refused unconditional surrender, Truman had to decide whether to keep fighting by conventional means, which course he knew would cost hundreds of thousands of Americans and countless Japanese lives, or to use the atomic weapon.

After weighing the cost of prolonging the war, he opted to drop a devastating bomb he did not even know existed 4 months earlier. The aftermath of the war was a time of great political upheaval at home. Faced with a country that was tired of the sacrifices of war, Truman watched as Republicans won majorities in both houses of Congress. Given no chance to win reelection in 1948, he took his case to the people. In his famous whistle-stop campaign, he traveled almost 22,000 miles by train, stopping in small towns and cities all across the country. In an upset victory over New York Governor Thomas E. Dewey, Truman was re-elected President in his own right.

During this term in office, Harry Truman had his great foreign policy successes, the Truman Doctrine to stop the spread of totalitarianism in Europe, the Marshall Plan to rebuild Europe, and the Berlin Airlift to resupply West Berlin in the face of a Soviet blockade. These programs established the willingness of the United States to remain engaged in world affairs and not to retreat into isolationism as we had done after World War II.

Harry Truman was a great man who was underappreciated in his time. History has shown the wisdom of his vision for America and for the world. Mr. Speaker, I am proud to support this effort to designate the State Department Building and commend the sponsors of this legislation.

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

I close with an observation about the last campaign of President Truman about which he reminisced in Plain Speaking.

Another thing about that election, I won it not because of any special oratorical effects or because I had any help from what you would call the Madison Avenue fellows but by a statement of fact of what had happened in the past would happen in the future if the fellow that was running against me was elected.

I made 352 speeches that were on the record and about the same number that were not. I traveled altogether 31,700 miles, I believe, and it was the last campaign in which that kind of approach was made. Now, of course, everything is television; and the candidates travel to another by jet airplane. And I don't like that.

I think the American people do not like it much, either. I think they would like a return to the plain speaking of Harry Truman and to the personal contact that he made with people. If we could do with a very simple ideal by which he lived his life, ran the White House, steered us through the end of World War II and into the postwar period, we will all be a better country.

That is why we are taking the step of naming the Department of State building for a man who is truly a statesman.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I speak in support today of H.R. 3639, designating the Harry S. Truman Federal Building in Independence as the United States Department of State headquarters after Harry Truman, the gentleman from Missouri (Mr. SKELTON) who is a very dear, close personal friend. He has worked tirelessly over the past few years in Congress to make sure that the only Missouri ever elected to serve as President of the United States would be duly recognized for his great work to this country.

I commend the gentleman for the dedication and commitment he has made. I want to thank him for that. I also want to say that I find it very fitting that we are debating the naming of the headquarters of the State Department in honor of President Harry Truman. Many of President Truman’s greatest legacies center around foreign policy, from winning the war to winning the peace to helping negotiate NATO and the creation of the National Security Council, to the writing of the Marshall Plan which assisted in the rebuilding of Europe following World War II.

Back in 1899, Congressman William Duncan Vandiver, who was my predecessor in Congress, defined what it meant to be from Missouri when he said, “I come from a State that raises corn and cotton and cocklebur and Democrat and a Democrat, and neither convives nor satisfies me. I am from Missouri. You have got to show me.” No one better exemplified this sentiment than our own plain speaking Harry S. Truman. Let me again thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Minnesota (Mr. OBERSTAR) and, of course, the gentleman from Pennsylvania (Mr. SHUSTER) for working to ensure that Missouri’s brightest son gets the honor that he so greatly deserves.

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

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

In closing, I want to emphasize that getting this legislation here today was not an easy task but it was a worthy task. It is the gentleman from Missouri (Mr. SKELTON) and the gentleman from Missouri (Mr. BLUNT) who really deserve the credit for being here today to honor this great American. While it is true that Harry Truman was a plain speaking man, he certainly was not a plain thinking man. In fact, he made some of the most lonely and historic decisions of our century. 

He was a man of integrity and the courage to make the toughest decisions, the loyalty and honor he bestowed on those close to him, no matter how lofty his office became.

Harry Truman’s character and accomplishments stand as benchmarks by which public servants are measured to this day. Honesty, integrity and the courage to make the toughest decisions were the hallmarks of his presidency. Whether facing foreign aggression in Korea, pushing for civil rights at home, or again his greatness.

The immortal sign that sat on his desk “The Buck Stops Here” says it all. On so many hard decisions affecting the fates of so many people, the buck truly did stop with Harry S.
Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Mr. CALVERT. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3639, as amended.

The question was taken.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3639, as amended, the measure just considered by the House.

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

There was no objection.

ANNOUNCEMENT REGARDING DEBATE ON H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker as though pursuant to clause 2(b) of rule XVIII to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; that the first reading of the bill be dispensed with; and that all points of order against consideration of the bill be waived; that general debate proceed without intervening motion, be confined to the bill, and be limited to 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the gentleman from California (Mr. Stark), and the gentleman from California (Mr. Rohrabacher) or their designees; that after general debate the Committee of the Whole rise without motion; and that no further consideration of the bill be in order except pursuant to a subsequent order of the House.

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

There was no objection.

□ 1545 ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1402, by the yeas and nays; House Concurrent Resolution 293, as amended; H.R. 2498, by the yeas and nays; and H.R. 3639, by the yeas and nays.

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

VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1402, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the Senate bill, S. 1402, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 220]
YEAS—417

Abercrombie, Campbell, Dunn
Adler, Canady, Edwards
Allen, Cannon, Ehlers
Andrews, Capp, Ehlers
Archer, Cardin, Emerson
Armey, Carson, Engle
Baca, Castle, English
Baird, Chabot, Eshoo
Baker, Chambliss, Etheredge
Balancedi, Cherveny-Hage, Evans
Balducci, Clay, Everett
Ballenger, Clayton, Ewing
Bar, Clyburn, Farr
Barrett (WV), Coburn, Fattah
Barrett (WI), Courtney, Filer
Bartlett, Conyers, Fowler
Bass, Cooper, Frank (MA)
Bates, Cosper, Frank (NJ)
Batts, Costello, Franks
Baucus, Coyne, Gallegly
Berry, Biggert, Ganske
Biggert, Boren, Gephardt
Bilbray, Boren, Gillchrest
Bilirakis, Brown, Gillmor
Billings, Buxbaum, Gillum
Bill, Buxbaum, Gonzalez
Boehlert, Buxbaum, DeLay
Bonner, Buxbaum, Deal
Bono, Buxbaum, DeLong
Bosk, Buxbaum, DeMaio
Bouck, Buxbaum, DeMint
Boros, Buxbaum, DeMint
Boucher, Buxbaum, DeMint
Boyd, Buxbaum, DeMint
Braun (PA), Buxbaum, DeMint
Braun (TX), Buxbaum, DeMint
Brown (FL), Buxbaum, DeMint
Brown (OH), Buxbaum, DeMint
Burt, Buxbaum, DeMint
Burton, Buxbaum, DeMint
Bustos, Buxbaum, DeMint
Calahan, Buxbaum, DeMint
Calvert, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
Camp, Buxbaum, DeMint
The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 293, as amended.

The question was taken.

RECORDED VOTE

Mr. O'许. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 3-minute vote.

The vote was taken by electronic device, and there were—ayeS 416, noes 0, not voting 18, as follows:

<table>
<thead>
<tr>
<th>AYES—416</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abercrombie</td>
</tr>
<tr>
<td>Aderhold</td>
</tr>
<tr>
<td>Ackerman</td>
</tr>
<tr>
<td>Bachus</td>
</tr>
<tr>
<td>Brown (OH)</td>
</tr>
<tr>
<td>Capuano</td>
</tr>
<tr>
<td>Cinelli</td>
</tr>
<tr>
<td>Forbes</td>
</tr>
<tr>
<td>Franks</td>
</tr>
<tr>
<td>Groves</td>
</tr>
<tr>
<td>Hagedorn</td>
</tr>
<tr>
<td>Hagenworth</td>
</tr>
<tr>
<td>Hagedorn (IA)</td>
</tr>
<tr>
<td>Hagedorn (CA)</td>
</tr>
<tr>
<td>Hagedorn (MN)</td>
</tr>
<tr>
<td>Hagedorn (SD)</td>
</tr>
<tr>
<td>Hagedorn (VA)</td>
</tr>
<tr>
<td>Hagedorn (WA)</td>
</tr>
<tr>
<td>Hagedorn (WI)</td>
</tr>
<tr>
<td>Hagedorn (WV)</td>
</tr>
<tr>
<td>Hagedorn (WY)</td>
</tr>
<tr>
<td>Hagedorn (AK)</td>
</tr>
<tr>
<td>Hagedorn (AL)</td>
</tr>
<tr>
<td>Hagedorn (AR)</td>
</tr>
<tr>
<td>Hagedorn (AZ)</td>
</tr>
<tr>
<td>Hagedorn (CA)</td>
</tr>
<tr>
<td>Hagedorn (CO)</td>
</tr>
<tr>
<td>Hagedorn (CT)</td>
</tr>
<tr>
<td>Hagedorn (DE)</td>
</tr>
<tr>
<td>Hagedorn (FL)</td>
</tr>
<tr>
<td>Hagedorn (GA)</td>
</tr>
<tr>
<td>Hagedorn (HI)</td>
</tr>
<tr>
<td>Hagedorn (IA)</td>
</tr>
<tr>
<td>Hagedorn (ID)</td>
</tr>
<tr>
<td>Hagedorn (IL)</td>
</tr>
<tr>
<td>Hagedorn (IN)</td>
</tr>
<tr>
<td>Hagedorn (IA)</td>
</tr>
<tr>
<td>Hagedorn (KS)</td>
</tr>
<tr>
<td>Hagedorn (KY)</td>
</tr>
<tr>
<td>Hagedorn (LA)</td>
</tr>
<tr>
<td>Hagedorn (ME)</td>
</tr>
<tr>
<td>Hagedorn (MD)</td>
</tr>
<tr>
<td>Hagedorn (MA)</td>
</tr>
<tr>
<td>Hagedorn (MI)</td>
</tr>
<tr>
<td>Hagedorn (MN)</td>
</tr>
<tr>
<td>Hagedorn (MO)</td>
</tr>
<tr>
<td>Hagedorn (MS)</td>
</tr>
<tr>
<td>Hagedorn (MT)</td>
</tr>
<tr>
<td>Hagedorn (NE)</td>
</tr>
<tr>
<td>Hagedorn (NV)</td>
</tr>
<tr>
<td>Hagedorn (NH)</td>
</tr>
<tr>
<td>Hagedorn (NJ)</td>
</tr>
<tr>
<td>Hagedorn (NM)</td>
</tr>
<tr>
<td>Hagedorn (NY)</td>
</tr>
<tr>
<td>Hagedorn (Ohio)</td>
</tr>
<tr>
<td>Hagedorn (OK)</td>
</tr>
<tr>
<td>Hagedorn (OR)</td>
</tr>
<tr>
<td>Hagedorn (PA)</td>
</tr>
<tr>
<td>Hagedorn (RI)</td>
</tr>
<tr>
<td>Hagedorn (SC)</td>
</tr>
<tr>
<td>Hagedorn (SD)</td>
</tr>
<tr>
<td>Hagedorn (TN)</td>
</tr>
<tr>
<td>Hagedorn (TX)</td>
</tr>
<tr>
<td>Hagedorn (UT)</td>
</tr>
<tr>
<td>Hagedorn (VA)</td>
</tr>
<tr>
<td>Hagedorn (VT)</td>
</tr>
<tr>
<td>Hagedorn (WA)</td>
</tr>
<tr>
<td>Hagedorn (WV)</td>
</tr>
<tr>
<td>Hagedorn (WI)</td>
</tr>
<tr>
<td>Hagedorn (WY)</td>
</tr>
<tr>
<td>Hagedorn (AK)</td>
</tr>
<tr>
<td>Hagedorn (AL)</td>
</tr>
<tr>
<td>Hagedorn (AR)</td>
</tr>
<tr>
<td>Hagedorn (AZ)</td>
</tr>
<tr>
<td>Hagedorn (CA)</td>
</tr>
<tr>
<td>Hagedorn (CO)</td>
</tr>
<tr>
<td>Hagedorn (CT)</td>
</tr>
<tr>
<td>Hagedorn (DE)</td>
</tr>
<tr>
<td>Hagedorn (FL)</td>
</tr>
<tr>
<td>Hagedorn (GA)</td>
</tr>
<tr>
<td>Hagedorn (HI)</td>
</tr>
<tr>
<td>Hagedorn (IA)</td>
</tr>
<tr>
<td>Hagedorn (ID)</td>
</tr>
<tr>
<td>Hagedorn (IL)</td>
</tr>
<tr>
<td>Hagedorn (IN)</td>
</tr>
</tbody>
</table>
| Hagedorn (IA) | Baker (IA) | Baker (IA) | Baker (IA) |...
CONGRESSIONAL RECORD—HOUSE

CARDIAC ARREST SURVIVAL ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and pass the bill, H.R. 2498, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 2498, as amended, on which the yea and nay are ordered.

The motion is by 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 17, as follows:

HARRY S TRUMAN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3639, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3639, as amended, on which the yea and nay are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 223]
So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was announced.

The result of the vote was as above recorded.

A motion to reconsider was laid on the table.


Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-635) on the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

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

AUTORIZING EXTENSION OF NON-DISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA.

The SPEAKER pro tempore, pursuant to the order of the House today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4444.

Mr. Chairman, I say to my fellow Members of this House, that as Members of this House we are the voice of the American people.

The Chair recognizes the gentleman from Texas (Mr. ARCHER), Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I say to my fellow Members that this debate today is likely the most important debate that we will make, not only in this Congress, perhaps in our entire careers.

I rise in strong and full support of this legislation which grants normal trading relations to China and helps to open its borders to the enterprise, superiorty of American workers, American businesses, and American farmers.

This historic legislation serves two critical American interests: first, it creates potentially hundreds of thousands of new higher-paying jobs for American workers; second, it helps our children and our grandchildren to live in a more peaceful world and enhance our national security.

Human rights, so important to us Americans, will be helped because we know from the testimony of many Chinese dissident's that continuing normal trade with China is a plus.

The environment is important, and this legislation will help improve environmental protection. This will be most important to the Members of this House who will cast, as I said, in this Congress and perhaps in our congressional careers.

While the bill itself may be small, the issue surrounding NTR for China is massive. As chairman, I have worked hard to accommodate Members on both sides to produce a bill that addresses their concerns on issues, such as human rights, prison labor, environment, and anti-surge protections; and I am pleased that we can include that language for consideration by the House.

This parallel bill, as it is called, is bipartisan; and both the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BERREUTER) deserve enormous credit for its accomplishment.

Mr. Chairman, China represents over one-quarter of the world's population. Over 1 billion people will not be ignored by the world, and neither will the American people.

The American people are with us. By approving this historic legislation, we can bring about the positive and monumental change which is the result of this bill. Mr. Chairman, I say to my fellow Members of this House: this vote is for the American people; for the American economy; for the American environment; for the American workers; second, it helps our children and our grandchildren to live in a more peaceful world and enhance our national security.

The Chair recognizes the gentleman from Texas (Mr. ARCHER), Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I say to my fellow Members that this debate today is likely the most important debate that we will make, not only in this Congress, perhaps in our entire careers.

I rise in strong and full support of this legislation which grants normal trading relations to China and helps to open its borders to the enterprise, superiority of American workers, American businesses, and American farmers.

This historic legislation serves two critical American interests: first, it creates potentially hundreds of thousands of new higher-paying jobs for American workers; second, it helps our children and our grandchildren to live in a more peaceful world and enhance our national security.

Human rights, so important to us Americans, will be helped because we know from the testimony of many Chinese dissidents that continuing normal trade with China is a plus.

The environment is important, and this legislation will help improve environmental protection. This will be most important to the Members of this House who will cast, as I said, in this Congress and perhaps in our congressional careers.

While the bill itself may be small, the issue surrounding NTR for China is massive. As chairman, I have worked hard to accommodate Members on both sides to produce a bill that addresses their concerns on issues, such as human rights, prison labor, environment, and anti-surge protections; and I am pleased that we can include that language for consideration by the House.

This parallel bill, as it is called, is bipartisan; and both the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BERREUTER) deserve enormous credit for its accomplishment.

Mr. Chairman, China represents over one-quarter of the world's population. Over 1 billion people will not be ignored by the world, and neither will the American people.

The American people are with us. By approving this historic legislation, we can bring about the positive and monumental change which is the result of this bill. Mr. Chairman, I say to my fellow Members of this House: this vote is for the American people; for the American economy; for the American environment; for the American workers; second, it helps our children and our grandchildren to live in a more peaceful world and enhance our national security.
overwhelmingly support this bill because they know it is good for jobs in America and good for human rights and the environment in China.

Much of this debate has focused on exports, on crops and computers and cars and other goods, and they are important. But the greatest American exports to China are those yet to come, the freedom of choice and the freedom of opportunity.

History has shown us that no government can withstand the power of individuals driven by the taste of freedom and the rewards of opportunity. We need to pass this bill.

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

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

Mr. Chairman, trade issues are never easy. They become more difficult as globalization has become global. It now includes the largest nation in the world. It is destined, according to World Bank estimates, to have the second largest national economy in the world in 20 years.

So China's integration into the world trading system inevitably presents both opportunities and challenges for both. What we have to do is to take advantage of the benefits in the agreement that we negotiated with China and also actively address the problems in our relationship.

Briefly, the benefits, and there will be more discussion of this, the distinguished gentleman from Texas (Mr. Archer), chairman of the committee, has laid out some of them. Lower tariffs, dramatically lower tariffs over time for both agricultural and industrial products. Service, a dramatic breakthrough for our service industries. Telecommunications, China is exploding in terms of telecommunications. So vital barriers that now exist, for example, local content requirements, are out the window under this agreement.

And then one of the most important elements of this plan of action that is the most promising approach to take advantage of the opportunities and to meet the challenges. It allows us to both engage China and to confront. It recognizes the internal forces for change in China and reinforces them with external pressure.

I want to refer briefly, as I close, to two comments in recent articles, one by Dai Qing, who is perhaps China's most prominent environmentalist and independent political thinker, and here is what he said recently in a report in The Washington Post. In quotes, "There is a battle here between opening to the West and closing to the West. This fight is not over. One of the main economic and political problems in China today is our monopoly system, a monopoly on power and business monopolies. Both elements are mutually reinforcing. The WTO's rules would naturally encourage competition and that's bad for both monopolies." And then an article just last Sunday in The New York Times. This is a report, not an editorial, and it is entitled "Chinese See U.S. Trade Bill as Vital to Future Reforms." And after a large number in China, including one who recently lost his job as a reformer, this is what all of them in this article say. "Chinese say their country is at a tipping point in its history. A yes vote on normal trade talks will herald it forth to liberalization and engagement with the West. A no vote from Congress will be seen as a slap in the face, throwing China back into conservatism and anti-American hatred."

Rejecting PNTR now that it has been combined with the proposals in our legislation would likely be a catalyst not for change but for chaos in the relationships between the U.S. and China. It would make both active engagement and constructive confrontation by the U.S. much more difficult.

There is a better course, colleagues, in this distinguished body at this distinguished moment. It is passage of PNTR now combined with framework, with a plan of action, with a strategy to assess the advantages and address the problems.

I was in China 10 days in January in Beijing and then Hong Kong. After talking to students, after talking to intellectuals, to artists, as well as government officials, I came to the conclusion indelibly that change in China is irreversible but its direction is not inevitable. We must be activists in this process of change. The United States cannot isolate China and its 1.2 billion people; and we must not isolate ourselves from impacting on China's future direction.

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

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from California (Ms. Pelosi).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, every now and then this Congress has the opportunity to
associate our country with the aspirations of people who sacrifice their lives and their livelihood for freedom. The PNTR vote that we are debating today gives us that challenge. It challenges the Congress to stand with the man before the tank, who courageously, courageously, stood his ground for freedom. It challenges us to speak out against the brutal occupation of Tibet and against the serious repression in China.

We have been told over the last decade that human rights in China would improve if we had unconditional trade benefits for China. Not so. More people are imprisoned for their beliefs in China today than at any time since the cultural revolution.

We were told that unconditional trade benefits for China would stop China's proliferation of weapons of mass destruction to rogue states. Again, not so. Not only does China continue to proliferate chemical, biological, and nuclear weapons, but they have added Libya as one of their customers, as recently as this March 2000.

But even if we could ignore the serious repression and the dangerous proliferation of weapons of mass destruction, there is serious reason to reject this proposal on the basis of trade alone. Mr. Chairman, China has never honored any of its trade agreements with the United States, including its agreements for market access over the last 20 years; over and over again agreements on stopping the violation of intellectual property, and the piracy continues; and stopping prison labor exports from coming into the United States.

Indeed, the U.S. International Trade Commission said in their own analysis, projecting the China deal will result in the loss of 872,000 American jobs over the next 10 years on the basis of trade alone. Mr. Chairman, China has never honored any of its trade agreements with the United States, including its agreements for market access over the last 20 years; over and over again agreements on stopping the violation of intellectual property, and the piracy continues; and stopping prison labor exports from coming into the United States.

We have been told that if we engage with China, that we will liberalize China. We will make them more like us, the United States. They will still have a huge tariff disparity between the United States and China.

In other words, they will continue flooding our market with their goods, but what will happen? If we have a dispute with them in the future, if we pass PNTR, we have taken all of our bullets out of our gun to enforce our decisions. We are giving it to the World Trade Organization. Instead of being able to enforce our agreements with China, which we have not been able to enforce before, and they have broken their agreements with us, we are going to rely on panels and commissions of the World Trade Organization.

We have been told that if we engage with China, that we will liberalize China. We will make them more like us. They will become more Democratic.

It has gone the opposite direction. We have been dealing with gangsters, and right now we are talking about putting gangsters into the chamber of commerce. The debate is not about isolating China. It is not about severing our relations with China. My colleagues will hear that over and over and over again in this debate. That is a ruse. It is not true. It is trying to get us off what this debate is really about.

What are we going to achieve by this debate today on permanent normal trade relations with China? What we are talking about is continuing to allow our big businessmen to massively invest in China with government guarantees to the Export-Import Bank and subsidized loans and guaranteed loans.

That is the bottom line. That is what is pushing this. We have people closing factories in the United States and opening them up to use slave labor in China, and they want the taxpayers to guarantee that. They do not care about morality. They do not care about human rights. This is a joke.

Even with the proposal of the gentleman from Michigan (Mr. Levin), we are taking away our ability to enforce our agreements with China. And they know it. They know that we are taking away our rights even to discuss it on the floor of the House every year, which is one of the only things that we have held them back. And even with that type of control or, at least, influence on them, they have gone in the opposite direction.

Let me close by saying this: I realize people who believe on the other side of this are sincere; they believe they are trying to better the prospects for peace in the world and better the prospects for freedom, which I think is nonsense. We do not treat tyrants that way. We have tried this before. The world has tried this before.

We remember Neville Chamberlain as the man who gave away Czechoslovakia to Hitler and Munich, and we do not remember what Neville Chamberlain did in the world when Hitler had taken over Nazi Germany. Neville Chamberlain led up to Munich by creating an economic task force designed to invest in Germany so that the Germans would have so many economic ties they would never think of violating the peace. It reads almost verbatim the argument that we are getting today.

We do not make a liberal by hugging a Nazi. We do not treat gangsters as if they are democrats and expect them to toe the democratic line. We do not kowtow to these dictators in Beijing and giving them what they want.

Do not give me this, the hardliners do not want us to give them this. The hardliners want to continue to have the type of trade surpluses that they have had and want us to have to only rely on the WTO if they break their word to us.

This whole idea of permanent normal trade relations with China is against the interest of the people of the United
States, against our moral position, and has undermined our national security as we wake up to find that we have built a monster that is capable, with the weapons systems and technologies that we have provided them, of killing millions of Chinese people.

I call on my colleagues to oppose normal trade relations with this monstrous regime in Communist China.

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

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

Mr. Chairman, I respect the passion that my distinguished colleague, the gentleman from California (Mr. Rohrabacher), has. But I would remind him that he should go back to reexamining what his former governor, Ronald Reagan, did with regard to our Caribbean neighbors when the Caribbean neighbors were subject to the possibility of communist expansion and tyranny and Ronald Reagan initiated the Caribbean Initiative, which was to make that economic outreach in hopes that economic improvement would lead them down the path to democratic institutions. It was a marvelous program, and it worked superbly well.

I would remind my distinguished colleague, too, that we have the missile capability to kill millions of Chinese people; and we do not want China to consider using their capabilities against us, either. The best way we move down the path of guaranteeing that these things do not happen is establishing those better relations.

I would suggest to my colleague from California, talk to Dr. Billy Graham about it. His son has been doing missionary activity over there for several years and has distributed literally millions of Bibles in mainland China over the past several years, and they are actually printing their Bibles in the mainland right now.

So we have a chance to exert that personal contact and move it in a constructive direction.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota (Mr. Ramstad) to elaborate a little further on this issue.

Mr. RAMSTAD. Mr. Chairman, I thank my chairman for yielding me the time and for his strong, effective leadership on this issue.

Mr. Chairman, it is a great day in Congress when we can do something positive for the American people. It is a great day in Congress when we can work together, both sides of the aisle, Democrats, Republicans, and Independents alike, in a bipartisan, pragmatic, and common sense way on something so important to America's future.

My governor, Jesse Ventura, is not only a great governor, and he talks plain talk. When he invited me to testify before the Committee on Ways and Means on this important issue, he put it like this: he said, "This will be one of the most important votes of the century in Congress. And by passing permanent normal trade relations with China, Congress will be doing more to expand our economy and create jobs than anything else we could possibly do."

Mr. Chairman, the governor of Minnesota got it right. I just hope we get it right.

Under the terms of the agreement, China's tariffs will fall from an average tariff of 35 percent to 9 percent. That is what it means to knock down trade barriers so that we can export more goods, expand our economy, and create more jobs.

As cultural tariffs will fall from an average of 32 percent, it is no wonder our farmers cannot sell grain to China, fall from an average of 32 percent to 15 percent by the year 2004.

Well, what do these tariff reductions mean? They mean that members of Minnesota's Medical Alliance, America's Medical Alley, from big companies like Medtronic to small manufacturers like American Medical Supplies can improve and save and better Chinese lives. It means Minnesota's companies, America's companies like Cargill, Pillsbury, General Mills, Johnnie-O, Hormel, and others can sell more food and other products in China.

That means that efficient Minnesota farmers, America's farmers, corn growers, pork producers, soy bean farmers can export more food to the growing population in China. Mr. Chairman, the bottom line, it means a better quality of life for the Chinese people and a better quality of life for the American people.

What some critics do not understand is that trade is not a zero-sum game; it is a win-win for both economies, for both countries. It means Minnesota's jobs, America's jobs, the American economy will continue to grow, our economy can expand, good jobs.

So I urge our colleagues to support this historic, momentous, critical issue. Vote 'yes' on permanent normal trade relations with China.

Mr. LEVIN. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. LaFalce).

Mr. LaFalce asked and was given permission to revise and extend his remarks.

Mr. LaFalce. Mr. Chairman, on January 1, 1979, I was one of the representatives of the United States and President Carter at the ceremonies in Beijing establishing normal relations with China.

Last week we negotiated the strongest anti-surge controls ever legislated. This is a historic vote. We can now stop surges of Chinese exports. We could not before. That is a win-win.

Last week we negotiated the strongest anti-surge controls ever legislated. This is a historic vote. We can now stop surges of Chinese exports. We could not before. That is a win-win.

This is a historic vote. We can draw a circle that either includes China or excludes China, almost one quarter of the people of the planet Earth. We can maximize our influence or decimate our influence. The choice is ours.

History demands a "yes" vote.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. Lewis), a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Chairman, I thank my friend and my colleague from Wisconsin (Mr. Kleczyka) for yielding me the time.

Mr. Chairman, I am opposed to granting permanent normal trade relations to China. We cannot reward China with PNTR while she continues to violate the human rights of her people. We are sending the wrong message to the rest of the world. The spirit of history is universal, and we must act by the spirit of history to do the right thing.

Granting PNTR allows China to continue the terrible abuses without any consequences. I ask my colleagues, how much are we prepared to pay? Are we prepared to sell our souls? Are we prepared to betray our conscience? Are we prepared to deny our shared values of freedom, justice, and democracy?

What is the freedom of speech? Where is the freedom of assembly? Where is the freedom to organize? Where is the freedom to protest? Where is the freedom? It is not in China.

We forget Tiananmen Square, 11 years ago, June 4, 1989. We cannot forget, and we must not forget.

Some of us have worked too long and too hard for civil rights and human rights here at home and other places in the world not to stand up for human rights in China.

Mr. Chairman, I believe in trade, free and fair trade. But I do not believe in...
trade at any price. And the price of granting PNTR for China is much too high. It is a price we should not be prepared to pay.

So, Mr. Chairman, I urge all of my colleagues to oppose normal trade relations for China.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me just say that we heard about reference to Ronald Reagan and China. I worked with President Reagan on some of the speeches that he gave when he went to China; and we should not forget that, during Ronald Reagan's time, Ronald Reagan strategized in order to develop a democratic movement in China, which, after Ronald Reagan left office, was smashed, yes. But during Ronald Reagan's time, when he supported expanding our relationship with China, he also supported and was very active in making sure that there was a democratic movement.

That was a force within China. Now that that has been destroyed by the Communist Chinese Government, there is no excuse for continuing those same strategies.

When it came to the Soviet Union, Ronald Reagan made himself very clear; we never provided anything like that. He tried to undermine the economic strength of the Soviet Union to bring about peace and democratization. That is what worked, because there was not a democracy movement in the Soviet Union.

Let us read history, and let us learn from it. What we have now is we are going in the opposite direction.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. Burton).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we talk about checks and balances. What kind of checks and balances will we have on China if they get permanent trade status?

We have been reviewing them once a year and, because of that, they know that once a year we are going to vote on it and we can withdraw that favorable status that they have.

They have 35 to 40 percent of our market. Thirty-five to 40 percent of their exports come to the United States. They are not going to cut off their nose to spite their face if we do not go along with them on this permanent trade status today. It means too much to them.

What I want Members to do right now is to look back and see what has happened in China just recently and what they have been doing. They stole our nuclear secrets. They were involved in espionage at Los Alamos and Livermore Laboratories and they now have the ability to fly 500 million people in this country with one missile on a mobile launch vehicle with 10 W-88 warheads. They did not have that before. This just happened recently.

Do my colleagues remember Tiananmen Square? I think the gentleman from Georgia (Mr. Lewis) cited that very thoroughly and very well. There are 10 million people in slave labor camps making tennis shoes and they will work for 30 cents an hour or less, but a bowl of gruel a day. And we talk about human rights.

They are taking people who are alive in prisons and if you or I want a kidney and we are willing to go to China, for $50,000, they will take your kidney and they will kill him today, they will extirpate their kidney, take it out of them, and they will immediately transplant it into you if you need it. If you have the money, you can go to China and get it. They will make a match, they will check your blood type and immediately you will get a kidney out of a live human being, guaranteed fresh. That goes on today.

They have tried to influence our political process. We know that Liu Chao Shan was a friend of Hong Kong and the head of the People's Liberation Army intelligence service, comparable to our CIA or DIA, Mr. Ji, came in and said, we like your President, we want to see him reelected and he gave $300 million.

Millions of dollars came in from that part of the world to try to influence our elections. Does that sound like they want to work with us? They now control or will control both ends of the Panama Canal. They are going in with the People's Liberation Army and the Communist hierarchy in China now has ports at both ends of the Panama Canal and in the not too distant future they will be able to stop us from using it.

Today we just found out the other canal in the world, the Suez Canal that is so important to all of us and to transportation of commerce, they now have the same organization headed by Li Ka Shing and the People's Liberation Army, they are going to have Port Said on the Suez Canal. They are moving around the world pieces of influence like chess pieces and they are going to checkmate us if we are not very careful and we are giving them the money and the influence to do it.

Their trade surplus with us was $68 billion last year; and I submit if we pass this, it is going to be greater. Once American commerce goes over there, they can say they have the opportunity to invest there, they provide clean working conditions, they provide overtime pay for more than a 40-hour week, they provide health care benefits to their employees.

And I said, gee, did you bring that all over from the United States and they said, no, those are the guidelines of the Chinese government to foreign companies doing business there. I thought about it for a moment, that if the gentleman from Indiana is working in a grungy Chinese factory and I am working for Motorola and we are having our Tsingtaos together at the end of a long workday and the gentleman is moaning about the grungy working conditions and no overtime pay and no health care benefits, it is only logical that I am going to say, hey, why do you work there? Come work for Motorola.

Ben Franklin made the observation, a good example is the best sermon. We have to really like the American workers.
Mr. Chairman, I yield 2 1/2 minutes to the distinguished gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I thank the gentleman for yielding me this time. Twenty-three years ago I was 19 years old and I was peddling a bike around in Taiwan. I was sent there as a missionary for the Mormon church. One of my responsibilities was to go around and knock on people's doors to try to spread the gospel of Jesus Christ.

It is interesting, this Friday I will be going back to Taiwan a lot less humble and lowly than I was 22 years ago. I will be meeting with the newly elected President, President Chen Shui-bian, who by the way is a strong advocate of permanent normal trade relations between China and the United States. I made these comments because I remember the 1970s when I lived in Taiwan. We have had some examples of history.

Let me tell my colleagues about the history of Taiwan. I know, I lived there, speaking their language. I know the people. In the 1970s, Taiwan was a little bit but the free democracy we see today. We just saw with this recent election, a free and democratic election in Taiwan, the second of its kind in 5,000 years. But it was not always that way.

In fact, Taiwan had a very oppressive governmental regime. There was not freedom of speech. There was no freedom of the press. In fact, I remember talking with an individual in the park one day, he was being critical of the government, we never saw him again; and we were told that he went to prison. The fact is Taiwan was not a free society. But they engaged with the West, they adopted economic reforms. If we can use history, let us use the history of that region.

The fact is, they adopted market reforms as China has and they moved to political reforms which go hand in hand with market reforms. I know we want changes now; we want them immediately. Let me tell my colleagues about the people, the Chinese employees of American companies who were in my office last week and talked about their conversion to Christianity and the conversions made while they worked at American companies.

In talking to their American counterparts who were Christians, they got an opportunity to believe. One of the Chinese employees talked to me about how she joined a house church 2 years ago, five people in that church, now over 200. She told me the fact that in the past, five people in that church, now over 200. She told me the fact that in 1994, China allowed to be printed 400,000 Bibles into the Chinese language. The number this year is 4 million. The fact is there are good changes that are not perfect but there are good changes happening. Let us not abandon these people. Let us maintain our skeptical nature with the Chinese government and the oppressive regime, but let us not abandon the American people just to save our own consciences.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership in this issue. The world's most important relationship over the next 20 years will be between the United States, the world's most powerful military and economic power, and China, the world's oldest culture and largest population. The change in China since Nixon began diplomatic and economic engagement has been nothing short of phenomenal.

The forces of change and reform will win out sooner if the United States is engaged than if we play into the hands and forces of repression. Isolation simply does not work. In South Africa, it took all of the world's developed powers coalesced against a relatively small country to change apartheid.

The rest of the world does not agree with us on China. We cannot even force change in Cuba, a tiny country with an aging dictator and a population about the size of Michigan. The United States could accelerate change in China, and that will not just have significant benefits for our businesses, it will also benefit the environment. But that takes modern technology and investment, services that the Chinese need that we are good at and that will improve their environment while it provides us with economic opportunities.

Over half a century ago, the Marshall Plan invested not just in our devasted allies but in our defeated enemies in Europe. The Russians, however, denied us a partnership in Eastern Europe because they knew it would hasten the emergence of democracies and free enterprise.

Today, after having spent trillions of American tax dollars to win the Cold War, we have an opportunity to accept an offer from the forces of Chinese reform. Approval of normal trade relations will not change China overnight. We will have to remain vigilant to make sure we use every tool we have to make sure the Chinese adhere to the agreement, but it will give us firmer footing in the Chinese economy, it will give us beachheads and inroads of the type that saw Western Europe join and continue to thwart the Chinese dictators. A vote for permanent normal trade relations will hasten human rights, environmental protection and a stronger economy in China and the United States.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked leave to extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong opposition to granting permanent normal trade relations with China. China should not be rewarded for its domestic and international record of abuses of workers, religious leaders and democracy activists, nor for its repeated abrogations of international treaties.

An annual review of China's trade status as opposed to permanent certification such as this bill would provide is a critical means by which China and other nations can be held accountable for their actions. We need to do this since as The New York Times noted today, China is not known for its strict adherence to trade agreements. In fact, it is known for exactly the opposite.

Granting permanent normal trade relations with China as well as the country's accession to the WTO represent another missed opportunity to incorporate strong protections for human rights, worker rights, and environmental rights in trade agreements. I agree that expanded trade under the WTO will make China an ally that can rain good for all; but I will continue to fight for fair agreements that ensure that standards to protect the environment, workers, and human rights are not compromised in the process.

Most supporters of PNTR and WTO acceptance for China admit that China continues to be a rogue nation. Even the Clinton Administration's own briefing book in favor of PNTR for China says: "China denies or curtails basic freedoms, including freedom of speech, association, and religion."

But proponents argue that economic engagement will ultimately result in a more democratic system there. I disagree.

China's pattern of violating the rights of its own people has continued despite the increased economic ties of most favored nation status that Congress has granted year after year.

The State Department's most recent Annual Country Report of Human Rights report states that China's human rights record has "deteriorated markedly throughout the year as the government intensified efforts to suppress dissent."

The first report of the congressionally chartered United States Commission on International Religious Freedom noted that "Chinese government violations of religious freedom increased markedly during the past year." The Commission recommended against Congress granting PNTR until China makes demonstrated and substantial progress in respect for religious freedom.

The House committee issued a report on May 10 that gives a picture of the unacceptable working conditions that flourish inside many factories in China making goods for US companies like Wal-Mart, Nike and Huffy.
Record deteriorated markedly through-
subsidies and lower tariffs dramatically, reduce its farm supports, and play by the same trade rules as we do.

Further concessions recently gained by the European Union would increase the benefits, as the agreement would apply to certain EU parties to the World Trade Organization.

Congressional approval of PNTR also has implications for U.S. national security. Early this year, I led a small House Committee on Armed Services delegation on a trip to the Asia Pacific region. Although we did not visit China, we found in our meetings with officials how much they told us the value of America's presence and engagement to the region is important.

The state of U.S.-China relations is critical to the future stability, prosperity, and peace in Asia. Encouraging China to participate in global economic institutions is in our interests because it will bring China under a systemic framework that is stable and predictible, China will enter the World Trade Organization based upon the votes of all 135 WTO members.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DeFazio). Mr. DeFazio. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. ROHRABACHER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. Wolf). Mr. Wolf. Mr. Chairman, I am a free trader. I voted for NAFTA. I was one of the 30 House Republicans to vote to bomb Kosovo, so I am kind of tired of this argument with regard to isolationists. What about the eight Catholic bishops, and now we know from the CIA briefing there are more? What about the 13 thousand religious pastors that are in jail? What about the over 400 Buddhist monks and nuns that have been persecuted and are suffering in that dirty jail in Lasa? What about the Muslims that are being persecuted in the northwest portion of the country? What about the fact that there are more slave labor camps in China today than there were in the Soviet Union when Solzhenitsyn wrote the book Gulag Archipelago? What about the 500 women a day in China that commit suicide? What about the 5 billion people who are in jail? What about the 1.3 billion people who are going to be casting the vote, not whether or not we want to sell our products made here, I wrote our side seven letters, get one word in this agreement about the environment. The Chinese are the greatest violators of the CITES Agreement. The last Siberian tiger, the last Asian rhinoceros, will die to go into their medicines. Not one word. The Chinese are the greatest producers of ozone-depleting chemicals in the world. Not one word. The Chinese are the greatest producers of global warming gases. Not one word. The Chinese are the greatest violators of the CITES Agreement. The last Tibetan tiger, the last Asian rhinoceros, will die to go into their medicines. Not one word in this agreement.

No so-called permanent normal trade relations for a nation that does not act normally.

Mr. ROHRABACHER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. Wolf). Mr. Wolf. Mr. Chairman, I am a free trader. I voted for NAFTA. I was one of the 30 House Republicans to vote to bomb Kosovo, so I am kind of tired of this argument with regard to isolationists. What about the eight Catholic bishops, and now we know from the CIA briefing there are more? What about the 13 thousand religious pastors that are in jail? What about the over 400 Buddhist monks and nuns that have been persecuted and are suffering in that dirty jail in Lasa? What about the Muslims that are being persecuted in the northwest portion of the country? What about the fact that there are more slave labor camps in China today than there were in the Soviet Union when Solzhenitsyn wrote the book Gulag Archipelago? What about the 500 women a day in China that commit suicide? What about the 5 billion people who are going to be casting the vote, not whether or not we want to sell our products made in States like my home State of Illinois, or other States in our Nation, to 1.3 billion people. And who gets hurt if we say no? Clearly those involved in manufacturing products, those who are involved in creating new technologies, as well as those who provide food and fiber.

I am proud to say that my State of Illinois leads in all three areas as a major exporting State. Illinois ranks third in exports in technology, Illinois ranks third in exports in agricultural products, and Illinois ranks at the top in manufacturing exports. China is a tremendous market.

Think about it. The new economy, technology today, the average wage for our technology jobs in Illinois are 77 percent higher than traditional business sector jobs. China now has the potential, because of its huge population and demand for technology, to become the second largest PC market for personal computers on the globe, but also the second largest market for semiconductors.

Ronald Reagan won the Cold War and brought down the Berlin Wall and brought freedom into the former Soviet Union because of the television and the fax machine, and, of course, his leadership. What about the opportunity we have to drive China into the Internet, to expand our values of freedom. Let us vote aye on permanent normal trade relations with China.
Mr. LEVIN. Mr. Chairman, I yield 3 minutes and 10 seconds to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. Mr. Chairman, I thank my friend from Michigan for yielding me time.

Mr. Chairman, we are here today to begin debate on the most important piece of legislation pending before this Congress in this session, and probably for next year. And I also believe that we are at the crossroads of our relationship with China. We can go one of two directions. We can either continue to isolate and demonize and pursue a failed trade policy, a policy that is failing our American workers and American farmers today, and even failing the people in China themselves; or we could pursue a new policy through enhanced trade and, through strategic engagement with China, offer what I view is the opportunity for a more peaceful and prosperous and hopefully greater stability in this world for our children.

But there are more notable and expert people than I on China that have weighed in on this. Former President Jimmy Carter made this statement in regard to PNTR: “When I became President, one of the greatest challenges that I had to face was whether I should normalize diplomatic relations with China. There is no doubt in my mind that a negative vote on this issue in Congress will be a serious setback and impediment for the further democratization, freedom and human rights in China.”

And perhaps the foremost human rights activist in China today, Martin Lee, had this to say in support of PNTR during a discussion that I personally had with him: “In short bring China into the international forum and hold her to the agreement rather than exclude her. How can human rights improve by keeping China out? You punish the people even more.”

In fact, Mr. Lee also talked about the power that the Internet provides by empowering the people within China with the free flow of information and ideas to make the changes that have to be made by them to improve human rights, labor conditions and hopefully for a free and democratic society.

Now, this side opposing this, I think, do so for legitimate reasons: job security at home, concern about human rights and political freedoms abroad. I share these same concerns. I think we merely differ over the best strategy on how to achieve these very important outcomes.

Mr. Chairman, I will vote yes for PNTR for many of the same reasons I vote for most of the issues in this Congress, through the eyes of my two little boys, Johnny who is going to be 4 in August and Matthew who is going to be 2 this Saturday. They both, God willing, will live through and see most if not all of the 21st century. That is why in my heart and with my conscience, I support PNTR. I do so because I believe this trade agreement gives us our best opportunity to provide our children for tomorrow the most prosperous, stable, and peaceful world in which to live as they embark upon their marvelous journey through the 21st century.

So I urge my colleagues to support passage of PNTR tomorrow, if for nothing else, for the sake of the future of our children in the 21st century.

THE WTO AGREEMENT

This trade agreement with China is truly historic because it is one-sided. In October of 1999, the United States and China reached a trade agreement that drastically and unilaterally lowers China’s trade tariffs to our manufactured goods and farm products. The United States did not lower a single tariff to Chinese goods. China made this agreement in an effort to gain America’s support for its admission into the World Trade Organization (WTO). Along with our support for China’s entry into the WTO, we must grant the same trade status as we do all other WTO member nations.

But let me be clear, this trade agreement will not make it any easier for China to export more products into our country. This agreement will only allow any company to close a plant here to relocate in China. This trade agreement will, however, make it easier for U.S. firms to sell products in Chinese markets.

AMERICAN TRADE

The United States is the world’s largest exporter, selling more to every country abroad than our nearest competitor. International trade has been crucial in maintaining the longest economic expansion in American history. The jobs of millions of American workers and the growth of thousands of American businesses, large and small, are tied to global trading and the accessibility of worldwide markets.

WISCONSIN TRADE

Companies large and small in my home state of Wisconsin benefit from international trade. Companies like Accelerated Genetics in Howey, who have 215 employees and sell $20 million in annual sales, export over 45% of their total business. The Turkey Store in Barron County exports almost 20% of their turkey products. Ashley Furniture in Arcadia sells furniture in 96 different countries around the world. The Tranec Company, which has gone so far as to merge its domestic and international administrative units into one unified worldwide operation, exports 30-40% of their total products. Trade is clearly a crucial part of these companies’ business, and that is only the tip of the iceberg.

FARMERS AND TRADE

The fate of our farmers is also linked to continued exports in world markets. American farmers are the most efficient and productive farmers in the world. At the same time, the United States has less than 4% of the world population, while China, which is the world’s most populous nation. If you fail to pass this legislation, U.S. farmers and other workers will lose out on a vast new market in an economy that has grown about 10% annually over the last 20 years.

In my conversation with Martin Lee, he expressed to me his sincere belief that, given China’s almost certain accession to the WTO, it is in the best interest of the Chinese people for Congress to approve PNTR. He believes a vote for PNTR will ensure that the United States remains a full partner in the world community’s engagement with China, and will strengthen our position as a leader of reform. The status quo, he said, will have no effect on human rights in China, and in fact, may result in entrenching hard-line, anti-reform positions. Making it easier for U.S. products and services to reach Chinese markets will force the Chinese government to strengthen its legal system and respect the rule of law, which will only serve to protect the political, labor and civil rights of individuals in China. We emphasize through the use of the Internet and the free flow of information and ideas that increased trade brings, faster progress can be made on human rights, labor conditions and eventually, a free and democratic China.

WORKER RIGHTS

Former United Auto Workers president, Leonard Woodcock, is also urging Congress to pass PNTR and support China’s entry into the WTO. He argues that increased access to Chinese markets eventually will improve conditions for Chinese workers. “American labor has a tremendous interest in China’s trading terms with the United States,” Woodcock said. “The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal.”

IMPORTANCE OF VOTE

We face an important decision in Congress, a decision that will shape our relationship with the world’s most populous nation. If you support greater economic opportunities here at home, as well as the advancement of human rights and labor conditions in China, you
should support granting permanent normal trade relation status for China.

While I do not want to oversee the merits of this trade agreement, I refuse to support the current policy which is failing American workers and in allowing the mass conditions to continue in China. I support passage of the China trade agreement because I believe it gives us the best hope for a more prosperous, safe and secure future for our children as we embark upon our marvelous journey into the future.

Mr. KLECEZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, after all is said and done, this debate is all about two words, corporate greed. The largest multinational corporations in this country are spending tens of millions of dollars on campaign contributions, advertising, and lobbying for one major reason, they must prefer to hire desperate workers for 10 cents, 15 cents or 20 cents an hour than higher American workers at a living wage.

Why would they want to hire an American worker when they can employ Chinese women at 20 cents an hour and force them to work seven days a week, 12 hours a day and arrest them when they try to form a union? That is a good place for a large multinational corporation to do business.

Mr. Chairman, American workers today are working longer hours for lower wages than they were 25 years ago. We do not need to punish them further and by expanding the already huge trade deficit that we have with China and costs us hundreds of thousands of more jobs and push wages down lower in this country.

Mr. Chairman, this agreement is opposed by unions representing millions of American workers, by environmental organizations concerned about the fragility of this planet's environment, by groups such as the U.S. Conference of Catholic Bishops who are concerned about religious freedom and human rights, by veterans organizations, like the American Legion and the VFW who are concerned about the issues of national security.

Mr. Chairman, let us have the guts to stand up to the big money interests who are more concerned about their bottom line than the best interests of the American people. Let us vote no on this issue.

Mr. ROHRBACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, this debate could not occur today in China without both sides being arrested, and this bill does not make a difference to change that. I am for engagement, but this bill engages the throats of the American workers. My colleagues talk about farmer tariffs, but there is a 9 percent tariff. Well, as soon as this bill passes, the currency is going to be manipulated, and it is going to vanish like that. It happened in NAFTA; it is going to vanish.

We want to talk about helping farmers, the gentleman from Washington (Mr. NETHERCUTT) has a bill, where is it? The bill that they have to have sanctions and cannot engage countries. Do my colleagues know why the bill of the gentleman from Washington (Mr. NETHERCUTT) is not here on the floor? Because Wall Street does not want enough money to be made, but Wall Street wants this bill. A few on Wall Street want this bill, not the entire American business community, but a few on Wall Street because they want to go over there, manufature the products and sell them back here.

The U.S. Chamber says we are going to get jobs out of this. That is like saying that you are going to send Jesse James to bring in the Dalton brothers. We are not going to get a single job out of this. The American worker is on a treadmill; they are strangled. They can barely make it, and what is going to happen with this agreement is that Wall Street will be the winner. And it is not going to be Main Street; it is going to be Wall Street.

Mr. Chairman, I hope the undecided Members of this Congress realize they have a choice today to stand up for American workers. All we are asking for is a level playing field, not an advantage, just a level playing field. That is what this is about.

I hope that the undecided Members, Mr. Chairman, realize that this is the most critical vote in 50-some years, if we want to support American workers, their families and their communities. We are not helping a single Chinese individual by this bill. All we are doing is ripping down the American work structure. Do not permanentize this. If this is forced to be renegotiated, let me tell my colleagues, the American worker will win. Votes.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I would like to ask my colleagues today, whom are we rewarding in China by opening up China to our products and services? Clearly, we are awarding American workers and farmers who will be able to sell their products in China, but whom in China are we rewarding? Some opponents of PNTR seem to think that this arrangement would reward the government in Beijing which they believe is unworthy. Mr. Chairman, I lived in Hong Kong, and I have traveled extensively and repeatedly throughout Southeast Asia, including China; and I think that is the fundamentally wrong way to view this deal.

First of all, it assumes that the Chinese political leadership is a unified monolith of some sort. In fact, there are many factions in Chinese leadership, many factions in Beijing, tensions between the provinces and the central government, and even fundamental world view differences between reformers in China who have initiated economic and political reform, who support engagement with the West, who have introduced the free enterprise system to a limited degree, and who encourage following the rule of law on the one hand, versus reaction elements, in particular in the military, who would revert to the old ways of Mao Tse-type communism.

If anyone is being rewarded in China with a vote for permanent normal trade relations, it is the reformers who have been catalysts for change, for progress for the good. What have these reformists accomplished so far? I believe they have put China on a voyage in the direction towards freedom. There is a long way to go, but there has been substantial progress. President Bush himself said that the people of China enjoy much greater freedom today than when we lived in China, and that is the trend that we can be rewarding.

In China today, local villages are having democratic elections, municipal leaders. Millions of Chinese are practicing religions, including Christian religions. Workers can choose where they work for. Travel is open, including travel abroad, and almost half of the economic output in China is privately owned. Millions of Chinese citizens have access to the Internet, and there they have unlimited information and ideas, including ideas about personal freedom, political freedom, the rule of law, all of the values that we cherish.

A vote for permanent normal trade relations with China reinforces the reformers; it reinforces this trend. China has a long way to go, but I urge my colleagues to vote to help further empower the Chinese citizens to achieve the freedoms that we take for granted. Help the Chinese people on the beginning of this voyage towards freedom. Vote yes for permanent normal trade relations.

Mr. LEVIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

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

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

Let me tell my colleagues, I rise in strong support of this bill, and I want to speak to the opponents of this bill. I think it is important that we note that my colleagues' concerns are important, and I do not disagree with my colleagues' concerns when it comes to job loss through trade, and I do not disagree with the concerns with respect to human rights. My colleagues are right about the ailments; but they are wrong about the cause, and they are wrong about what prescription they would use to try and deal with this.

We cannot stop the world and get off, and we cannot go back to the 17th century, because we cannot go back to mercantilism, because it does not work. We are a Nation of 4 percent of the world's population. We consume 20 percent of
the world’s goods and services. The alternative to a bill like this that lowers tariffs against U.S. goods and services is to lift tariffs against imports coming into this country. That might work in the very short run, but it would fail miserably in the long run, and it would not allow American workers and American consumers to compete on a level playing field where productivity, which we have the most productive workforce in the world, bar none, is the key factor. We cannot change the rules of economics in the modern world. Anything we try to do on this floor, it will not work.

Second of all, with respect to the fact that the Chinese have an authoritarian dictatorship, we understand that; but if the United States is to walk away from that, our trading partners throughout the rest of the world, the European Union, the other countries in Asia, are only too happy to pick up the slack and trade with them. This is not South Africa, it is not apartheid; this is much different than that. We do much better by engaging the Chinese than walking away. Not passing PNTR will not free one political prisoner, and it will probably stall a move towards de-centralization of the Chinese economy, market liberalization and political liberalization.

Mr. Chairman, it would be a grave mistake not to pass this. The United States will be much better off in the long term--American workers and American consumers, and ultimately, the Chinese people as well.

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

Mr. Chairman, I rise in support of this legislation granting China permanent normal trade relations, or PNTR, as a part of a bilateral trade agreement between the United States and China. This agreement will allow for China’s entry into the World Trade Organization and suspension of tariffs and other barriers to United States goods and services. This agreement is in the best interest of America, including our workers and businesses.

PNTR will accomplish much more for the United States than it will cost. The agreement reduces Chinese tariffs on United States exports to China, on average, by more than 50 percent. Currently U.S. exports are subject to tariffs of 25 percent on industrial products, 13 percent on information technology products, and nearly 40 percent on certain agricultural products. These tariffs price our goods out of the market. Conversely, since the United States market is virtually wide open, most Chinese goods are not subject to tariffs.

The United States-China Bilateral WTO Agreement also allows entry into the WTO against United States exports but not against Chinese imports. Perhaps even more significant are the provisions in the agreement which require elimination of state subsidies and allow for United States exporters to conduct trade and distribution with private parties in China, rather than state-owned and controlled trading companies.

Take, for example, the United States petrochemical industry, which employs tens of thousands in Harris County and throughout Texas. The petrochemical industry is the most productive in the world, even though it pays comparatively higher wages and is subject to strict worker and environmental safety laws. While we lead the world in exports of petrochemical products, United States market share in China is almost nonexistent, or less than 5 percent. The elimination of state subsidies for domestic Chinese producers, along with a reduction in tariffs against United States exports, will allow United States producers to enjoy our comparative advantage and create jobs at home; for the huge Texas agriculture production market and oil fields services too.

This agreement also includes significant safeguards against unfair Chinese imports and failure by the Chinese to move toward market liberalization. Chinese imports will be subject to countervailing duties, or tariffs, for 12 years after entry into the WTO against import surges that threaten to disrupt United States markets, and for 15 years against imports “dumped” on the U.S. market as a result of predatory pricing actions. In this language, our government’s power is stronger than current law. And, I want to commend my colleagues, Mr. LEVIN and Mr. BEHREUTERS for their work in putting these provisions into law and lessening the discretion in their implementation.

The agreement also will open up the Chinese consumer market to United States telecommunications, automobile and financial services industries where we have been locked out. Imagine the power of the Internet to promote democracy in China, or the lack of freedom by the Chinese government to control free speech, thought and expression through the Internet.

We currently have a trade deficit with China due in large part to the fact our markets are open to their goods and China’s markets are restricted to ours. Failing to pass PNTR will do nothing to reduce this trade deficit, and in fact, may make it worse. Alternatively, raising U.S. barriers to trade would fail in a trade war greatly at our own expense. A nation such as the United States which represents 4 percent of world population, but consumes 20 percent of the world’s goods and services, cannot long sustain a trade deficit as its market stands. Only gaining greater access to other markets can the United States continue to grow and create jobs.

It is true that in some areas, cheap labor puts U.S. manufacturing at a disadvantage; but again, whether we pass PNTR or not will not alleviate the disadvantage. On balance, however, we know that trade creates more jobs than it costs, particularly in those industries where the United States is more productive. But we should also be concerned about those industries which stand to lose.

My support for PNTR is conditioned on the appointment of a Presidential commission to look at our trade adjustment assistance programs and make recommendations to the Congress on how we might better provide workers with the tools to make the shift to other high-paying jobs. Tariffs and other barriers provide only a short-term remedy and should be reserved for punitive action, not as a long-term solution.

With respect to whether the United States should enter into such an agreement with China given its record on human rights, use of slave and child labor, and sometimes belligerent attitudes toward its neighbors and the United States, we must consider whether those of us who regret such actions can effectively change them through engagement or disengagement.

I believe walking away from China would be a failure which would free not a single political prisoner, would not end any, Taiwanese or otherwise, and would only strengthen the resolve of those in the Chinese People’s Liberation Army who oppose this agreement and any economic liberalization as well.

Furthermore, the Levin-Bereuter provision contained in this bill ensures that the United States will maintain public pressure on China’s treatment of its own people and its labor policy. This Helsinki-style congressional commission will bring to light abuses, rather than allow them to fester in the shadows under disengagement.

The WTO bans child and slave labor, and the United States and other industrialized nations must remain vigilant to enforce sanctions against such practices in China and everywhere.

Greater economic ties not only benefit the United States, but will bring social and political change in China. Few can deny that consumerism has changed the former Soviet bloc. Europe or even America, putting greater pressure on the hand full of individuals. If the Congress fails to adopt PNTR and the United States walks away, change in China will happen less quickly and at our expense.

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

Mr. PASCRELL. Mr. Chairman, I am at the same podium, but this is a terrible deal. We have lost our moral compass. We really have. It is a bad deal for the United States, and it is certainly a bad deal for New Jersey and my district, the 8th Congressional District.

We are expected to lose, according to the government’s own reports, over 22,000 jobs. We have been granting NTR each and every year for the past 20 years, and what have we seen? What has happened? Human rights, labor rights, environmental rights, national security interests have gotten worse year after year; and it has been documented. So with this vote, the downward spiral will continue to plummet.

Mr. Chairman, 875,000 jobs lost, sucked out of the economy. Not only has NTR been disastrous, but our increasing trade with China has done nothing to foster this so-called reform. Last week, the World Bank, over United States objections, agreed to provide $232 million in loans to the government of Iran against our wishes.

Mr. Chairman, I am at the same podium, but this is a terrible deal. We have lost our moral compass. We really have. It is a bad deal for the United States, and it is certainly a bad deal for New Jersey and my district, the 8th Congressional District.

The State Department stated that giving support to Iran will, quote, send the wrong signal, the State Department said, to the world. That government which is repressive, intolerant, non-Democratic, aggressive. Does that sound familiar?

The irony, of course, is that these are the same people in the State Department who are spending night and day trying to send the Chinese Government the wrong signal about PNTR. We need a no vote for America tomorrow.
Mr. ROHRABACHER. Mr. Chairman, I yield 4½ 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 rise in opposition to the legislation before us today authorizing the extension of nondiscriminatory treatment to the People's Republic of China. Our panel does not have the leverage we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China regarding human rights, with regard to religious freedom, with regard to China's nuclear proliferation, and other important issues.

These issues can and must be addressed before we approve the measure before us today. Yes, let us consider business with China in the days ahead, but first let us take a good, hard look at these violations. Extending normal trade relations to China on a permanent basis without giving anything away to China, with regard to violations of human rights, with regard to religious freedom, with regard to China's nuclear proliferation and other important issues.

These issues can and must be addressed before we approve the measure before us today. Yes, let us consider business with China in the days ahead, but first let us take a good, hard look at these violations. Extending normal trade relations to China on a permanent basis without giving anything away to China, with regard to violations of human rights, with regard to religious freedom, with regard to China's nuclear proliferation and other important issues.

Under the current annual review arrangement, we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China regarding human rights, with regard to religious freedom, with regard to China's nuclear proliferation, and other important issues. These issues can and must be addressed before we approve the measure before us today.

Extending "normal trade relations" to China on a permanent basis will send a powerful message determining China's role in the global economy and in the community of nations for years to come. But it is a mistake we can ill afford to send so long as there is no freedom of speech, no freedom of association, and no freedom of religion in China.

Mr. Chairman, China's enormous trade deficit with us of some $70 billion has fueled its military build-up and has emboldened the dictators in Beijing to claim areas in the Philippines and other Democratic neighbors in the region. China's illegal occupation of Tibet and its brutal repression of the Tibetan people continues unabated.

We are told today by many of our colleagues that by giving permanent normal trade relations to China, we will be sacrificing much of our ability to affect public scrutiny on China's human rights practices.

I would also note that the recent report of the United States Commission on International Religious Freedom included a recommendation by all 9 commissioners that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom in that country.

While the nine voting members of the U.S. Commission on International Religious Freedom include strong free trade proponents and who represent a wide diversity of opinion and religions, they are unanimous that China needs to do much more in releasing all persons imprisoned for their religious beliefs, to ratify the International Covenant on Civil and Political Rights and to take other measures to improve respect for religious freedom.

Accordingly, Mr. Chairman, I urge my colleagues to oppose this measure.

Mr. Chairman, I rise in opposition to the legislation before us today authorizing the extension of nondiscriminatory trade treatment to the People's Republic of China.

Congress should not give up the leverage we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China regarding human rights, with regard to religious freedom, with regard to China's nuclear proliferation, and other important issues. These issues can and must be addressed before we approve the measure before us today.

Extending "normal trade relations" to China on a permanent basis will send a powerful message determining China's role in the global economy and in the community of nations for years to come. But it is a message we can ill afford to send—so long as there is no freedom of speech, no freedom of association, and no freedom of religion in China.

Under the annual review arrangement, we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China regarding human rights, with regard to religious freedom, with regard to China's nuclear proliferation, and other important issues. These issues can and must be addressed before we approve the measure before us today.
commissioners that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom in that country.

While the nine voting members of the U.S. Commission on Int'l Religious Freedom include strong human rights proponents, members were unanimous in their belief that the Chinese government does not respect religious freedom. They have made clear that it is their duty to recommend to the Congress that China does not meet the requirements for PNTR.

The Chinese government has been accused of cracking down on religious freedoms, including the suppression of Falun Gong, a traditional Chinese spiritual movement. The Chinese government has been criticized for its treatment of religious minorities, including the Falun Gong and other spiritual groups, and for its use of forced labor and the suppression of freedom of speech and assembly.

The human rights commissioners have expressed serious concerns about the lack of freedom of speech and assembly in China, as well as restrictions on freedom of religion. They have called on the Chinese government to respect human rights and to implement reforms that would allow for greater freedom of speech and assembly.

The commissioners have also called on the Chinese government to implement reforms that would allow for greater freedom of religion, including the recognition of religious groups and the protection of religious freedom. They have expressed concern about the Chinese government's treatment of religious minorities, including the Falun Gong, and have called for greater respect for human rights and freedom of religion.

The commissioners have also called on the Chinese government to implement reforms that would allow for greater freedom of speech and assembly, including the recognition of civil society organizations and the protection of freedom of speech.

The commissioners have expressed serious concerns about the lack of freedom of speech and assembly in China, as well as restrictions on freedom of religion. They have called on the Chinese government to respect human rights and to implement reforms that would allow for greater freedom of speech and assembly.

The human rights commissioners have also expressed concern about the Chinese government's treatment of religious minorities, including the Falun Gong, and have called for greater respect for human rights and freedom of religion.

The commissioners have expressed serious concerns about the lack of freedom of speech and assembly in China, as well as restrictions on freedom of religion. They have called on the Chinese government to respect human rights and to implement reforms that would allow for greater freedom of speech and assembly.

The human rights commissioners have also expressed concern about the Chinese government's treatment of religious minorities, including the Falun Gong, and have called for greater respect for human rights and freedom of religion.

The commissioners have expressed serious concerns about the lack of freedom of speech and assembly in China, as well as restrictions on freedom of religion. They have called on the Chinese government to respect human rights and to implement reforms that would allow for greater freedom of speech and assembly.

The human rights commissioners have also expressed concern about the Chinese government's treatment of religious minorities, including the Falun Gong, and have called for greater respect for human rights and freedom of religion.
uses slave labor; the global corporations which capitalize on slave labor.

How many hours do Chinese people have to work to account for a $70 billion trade deficit with the United States? How many American manufacturing jobs will be lost to China when workers who lose 3 cents an hour?

There is a myth that if one digs a hole deep enough, one will reach China. We have dug the hole deep with a $70 billion trade deficit. We will learn tomorrow if we have reached China. If in that hole we put our jobs, decent wages, workers’ rights, and human rights, will we cover up that hole and claim victory?

But, Mr. Chairman, peace and justice is already our birthright. Freedom of speech and freedom of religion are already our birthright. Workers’ rights and human rights are already our birthright. Will we, like Esau in Genesis, sell our birthright for a mess of pottage which multinational corporations offer?

What is the price of freedom? Do we so little value freedom that we are prepared to sacrifice our lives, our for-tunes, our sacred honor? Vote against PNTR.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I am going to bring my colleagues tonight a hypothetical bill. This bill has three parts: part one provides billions of dollars of aid to Beijing in order to stabilize the regime; part two provides support for the Chinese military infrastructure as it prepares to attack its neighbors; part three provides direct aid to the PLA. Now, that is my hypothetical bill I bring to my colleagues tonight. I ask my colleagues, Mr. Chairman, who would vote for this bill?

If we clear away everything else that we have talked about, it does boil down to this: Will the United States do business with China? Mr. Chairman, I was, in fact, one of the Members who went to the CIA briefing. When one goes to the CIA briefing and when one asks specific questions about these issues, this is what one comes back with; that, in fact, doing what we are about to do will provide aid to the regime in order to stabilize it. It will provide aid to the military in order to attack its neighbors. It will provide direct aid to the PLA, to the People’s Liberation Army.

Is this, my colleagues ask? It is simple. The PLA owns the business. When the gentleman from Ohio (Mr. KUCINICH) talked about private business doing private business with other private business, Mr. Chairman, the PLA, they own 100 percent of the telecommunications business in China. They own most of the significant businesses, either surreptitiously or directly. Yet this is the bill I bring to my colleagues.

If my colleagues could just escape all of the other things, erase all of the other things we talk about, and how wonderful it would be to improve human rights, how wonderful it would be to improve workers’ rights, religious freedom, all those things would be great. But what is all of our primary responsibility as representatives of the people of the United States? Is it to, in fact, insure human rights across the world? Insurability as that goal is, no, that is not our primary responsibility. Is it to, in fact, insure workers’ rights? No, that is not our primary responsibility. It is not even our primary responsibility to insure religious freedom.

We have one responsibility, the prime directive: protect and defend the people of the United States. Vote no on this bill.

Mr. CRANE. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH).

(MR. ENGLISH asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH. Mr. Chairman, this debate that we undertake today is about better, stronger, fairer trade with China, which in time will pave the way for social and political reforms. Some of these reforms are already evident today.

Pennsylvania has exported more than $297 million in goods to China in 1998. Voting for this agreement forces China to take down tariff barriers and non-tariff barriers that have prevented Chinese imports, and which are critical to building a long-term stable relationship. If we lose this battle, it will be a battle lost. Increasing the amount of exports to China will only help in creating jobs, not only in Pennsylvania, but also throughout our country.

Last November, the U.S. Trade Representative Barshefsky completed historic negotiations with the People’s Republic of China and managed to craft an agreement that would provide access to the Chinese market, while requiring no concessions by the U.S. government. This is no NAFTA. We do not make a single job-killing concession in this legislation.

The bill we consider today would allow the U.S. to benefit from those negotiations. The bill will not determine whether or not China enters the WTO. China is entering the World Trade Organization with or without this legislation.

I must admit, Mr. Chairman, that I entertained serious concerns when this issue was first raised. I was concerned about human rights and fair trade, which are critical to building a long-term stable relationship with China. Luckily, the bipartisan leadership of my friends as well as colleagues, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BERRETER), many of these issues have been addressed convincingly.

Let us look at the facts. The Levin-Bereuter plan provides better oversight for human rights and protections than exist under current law. It provides strong and enforceable anti-surge protections, which are part of the original agreement with the Chinese Government and will now be codified. The Levin-Bereuter provisions, not only ensure that Chinese play by the rules in trade; but, more importantly, they strengthen U.S. law to provide quick and effective remedies if there is a violation. The bill is based on legislation from the Levin-Bereuter, urging that the WTO approve both the PRC’s and Taiwan’s accession in the same General Council session.

All of these provisions are major improvements that make this overall package a good bill. We are entering into a trade agreement with China that will create a more balanced relationship than any initiative to date. This debate should be about ensuring that China plays by the rules in trade, and that they honor commitments made in this agreement.

Mr. Chairman, a China disengaged is more likely to be a rogue country in the new century. A China engaged is more likely to follow the path of human rights. I challenge every one of my colleagues to vote to engage China, a China to which we can export our goods along with our values.

Mr. Chairman, I include two editorials from my district that discuss the benefits of normal trade relations, as follows:

(EDITORIAL COLUMN—The Erie Morning News, May 21, 2000)

If we can believe the American business community, windfalls will follow if the Con-gress approves permanent normal trade relations with China. America labor—which has never met a free trade measure it liked—sees PNTR as another job-killer. As usual, neither forecast tells the full truth.

Opening the huge China market by allowing the Communist nation to join the World Trade Organization will undoubtedly be lucrative—in time. No windfalls. As with the equally contested North American Free Trade Agreement with Canada and Mexico, some Americans will view PNTR with little fuss, but war has begun in the always fractious House of Representatives.

The Republican leadership is guiding PNTR despite loud opposition from some GOP members who seek leverage to force China to end human rights abuses. House Minority Leader Richard Gephardt is against PNTR, as is the bulk of the Demo-cratic caucus. So labor still threatens passage.

We find China’s recent behavior offensive. We also realize the 20-year Most Favored Na-tion Status charade did not go far enough to moderate Beijing’s repeated rights abuses.

Our support for PNTR is based on simple reality. China is not Cuba. It is the most populous nation in the world, with the globe’s fastest growing economy. It is senseless for the United States to treat the Asian colossus as anything else than a superpower likely to emerge later this century. With China’s markets open, with American goods—and American popular culture—flowing throughout this giant nation, dramatic reversal will eventually come. The Com-munist leadership will be just as powerless to stop these forces as its decreased former
Congressional Record — House May 23, 2000

SVeit and Eastern bloc comrades (and as Fidel Castro would be in Cuba if American policy weren't based on Cold War myths). We understand these are difficult votes for many, who desire to please the United Communists or who fear labor. But then, Congressman didn't seek office merely to vote on popular, easy issues.

Second, legislation creating a commission to monitor China's performance offers political cover for nervous Democrats. Even Ernie's 21st District Republican Congressman Phil English "emphasized the importance of the proposal" to the Wall Street Journal after voting with the Ways and Means Committee to approve PNTR and send it to the House floor for a vote. English will vote for PNTR because he understands the stakes China has agreed to join the world community and play by its trade rules after entry into the WTO.

That is where America's influence is, with China as a full trading partner—not some junior member of the world community who must be monitored like a troubled child.

The United States tried that approach with China and Most Favored Nation Status the last 20 years. It's time to join the real world.

[Our View—The Herald, Sharon, Pa., May 21, 2000]

CONGRESS SHOULDN'T LET ORGANIZED LABOR DERAIS U.S.-CHINA TRADE VOTE

Approval of the China trade bill Wednesday by two key legislative panels, the House Ways and Means and Senate Finance committees, bodes well for next week when the House is expected to take up the thorny issue of permanent normal trade relations for China.

Bipartisan support for the historic measure has been building although the final vote, by all accounts, will be close. Most House Democrats, particularly those most closely identified in their districts in industrial states, are stubbornly resisting pleas for their votes from both Republican leaders and the Clinton Administration.

Congressmen still opposed or sitting on the fence should vote for the historic measure that rightfully should be seen as having as many winners as for businesses, manufacturers, farmers, consumers and lovers of personal freedom.

Passage of the bill into law—it's expected to happen in the Senate this week and end the annual exercise of renewing China's trade status and grant the world's most populous nation the same normal trade relations it's been denied. The United States extends routinely to nearly every other country. The bill also would assure China's entry into the Geneva-based World Trade Organization, which oversees worldwide trade and provides mechanisms to resolve disputes among members.

Organized labor, desperate to defeat the bill, has already agreed to the known criticisms of China as its poor record on human rights and denial of religious freedom as well as its history of economic piracy and disregard for environmental standards.

However, labor and other opponents should take another look at what the record shows and stop refusing to accept that easier trade—and the growing prosperity it brings—is the most effective cure for the repression and other ills of communism. The higher standard of living increased trade can provide for millions of people is the most powerful tool to promote democracy and continued prosperity for American working families.

More trade would add to the 1.3 million new American jobs attributed to growth in imports and exports since 1993. International commerce is responsible for nearly one-fourth of America's gross national product. American labor leaders, fearful as they are about the effects of the trade bill, also should realize that workers are just as worried although for different reasons.

As pointed out in the New York Times by Beijing-based correspondent, private enterprise that has grown in China over the last decade has taught ever greater numbers of Chinese that they can live independent of the government. Nurturing that growing sense of confidence is the Internet, with its promise of unfettered worldwide communication, which carries voices of opposition and the exposure of corruption in the rest of the world despite the communists' determination to hold onto power. Such steps toward prosperity, confidence and freedom deserve as much support as possible.

Instead of opposing the China trade bill, labor leaders should see exciting possibilities in the opportunity to compete for the business of 1.2 billion potential buyers for every kind of American product from grain, meat, livestock, fruits and vegetables to computer hardware and software, medicine, machinery and construction equipment and consumer goods of every description.

Seeking to boost trade with China won't, as labor leaders fear, diminish America's williness to fight for its interests, as we have seen over and over. The most recent example came Tuesday when the U.S. International Trade Commission levied punitive duties on Japanese auto products following a determination that China was dumping the product here at prices below the cost of production. There's no reason to think that after normalizing trade with China that American business interests and officials will be any less insistent on fair trade of steel, pipe, machinery or other industrial goods as for auto parts.

It's been three decades since Richard Nixon visited Beijing in 1972 and established cordial relations with China. Since then, each succeeding administration has worked toward a closer partnership between the two countries and it's time to take the next big step.

Mr. LEVIN. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from Michigan, Ms. ESHOO.

Ms. ESHOO. Mr. Chairman, today our Nation—and this Congress—stand at the beginning of a new century and with it comes a new opportunity to export our products to the largest emerging market in the world.

Today America is enjoying unparalleled economic success. We're the envy of the world. Economic growth is sustained. Unemployment is low. Inflation has been kept at bay. The New Economy has brought new wealth and new opportunities to our nation and its workers.

I'm proud to represent a district which is home to Silicon Valley and where the high technology industries are the primary contributors to the economic engine of our New Economy.

But this issue is larger than any one industry or any one Congressional District. President Kennedy said, Economic isolation and political leadership are wholly incompatible. The United States has encouraged sweeping changes in free world economic patterns in order to strengthen the forces that we cannot ourselves stand still. We must adapt our own economy to the imperatives of a changing world and once more assert our leadership.

These words hold true for us today. This legislation is good for the American worker. It opens the greatest market of this new century to American products and American values. I want to salute our colleagues, Congressmen LEVIN and BEREUETER for refusing to turn their backs on history and instead choosing to make history by writing legislation that brings the framework of the famous Helsinki Accords to our relationship with China.

Mr. Speaker, China's outdated politically-decrepit political system has shown over fifty years that it can repress its people by keeping them closed off from the rest of the world. I doubt they can succeed with this economic and political repression in the face of an Internet society where millions of individuals and computer geeks send messages to one another. A Web society that has reached a billion users. An Internet society where millions of computers and computer technicians are helping to bring the peoples of China and the rest of the world together.

An Internet society which has brought the United States and China closer together than we have seen in decades. I hope our colleagues will approve this bill.
American values, but it will become part of the community of nations. I urge my colleagues to vote yes to extend permanent normal trade relations to China and thus seize this historic opportunity.

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

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

Mr. MENENDEZ. Mr. Chairman, I believe in free trade. But to me, free trade is not just about the products we are trading. It is also about the people who make them. If after more than a quarter century of engagement, the success of our human rights and democracy efforts in China can be measured in forced abortions, arrest of dissidents, Tiananmen Square, religious persecution, ethnic cleansing in Tibet, child labor, slave labor, aggression against Taiwan, and the arrests of the Falun Gong, then our record is not a success at all but a dismal failure.

The victims of this failure are not just the Chinese people. The administration and American companies continue to accept displaced American workers as inevitable casualties of economic change. We believe there is actually no assistance. I know I will not.

Our trade deficit with China continues to grow, from a $6 billion deficit a decade ago to an almost $70 billion deficit today, all while the Chinese Government continues to break promise after promise, agreement after agreement. That $70 billion benefit to China is what they have, in essence, been investing in their military budget.

Free trade exists when two countries open up their doors to compete on a level playing field, not when one country, the United States, opens its doors wide while the other, China, cracks its door open an inch while reserving the right to slam it shut if we ever dare ask for what they consider to be too much.

Have we gotten to the point where we will throw all of our values out the window, even protecting children from forced labor, in order to maximize corporate profits? Our leadership, our international leadership, comes from these values, not just our profits. That is the America I believe in. That would be the kind of trade bill that does not deserve our support.

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

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

Mr. OWENS. Mr. Speaker, in trade agreement after trade agreement the United States has been shortchanged. S. 1234, the Berman-Weldon language is included in this statute. If it is not, then we are being vague when clarity is called for. We will be at fault if China is misinterpreting our bill. We will be the precipitators of those in China who say they are free to invade Taiwan or blockade Taiwan.

Keep in mind how easy it is to blockade Taiwan. It just takes a press release saying that the next freighter into Taipei or into Taiwanese ports will be hit by a Chinese missile, and that economy shuts down. We cannot allow misinterpretation. We need the Berman-Weldon language. Otherwise, this bill becomes the Taiwan blockade model language.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I wish to bring two new developments to the attention of this House, developments that show that we need to negotiate a better deal.

First, the International Trade Commission and the official authoritative body of the Federal Government issued a report. It says this deal will increase our $20 billion trade deficit and cost America 872,000 jobs over the next 10 years. That is right. Permanent NTR does not just make the trade deficit permanent, it makes it bigger.

Second, the gentleman from California (Mr. BERMAN) and the gentleman from Maryland (Mr. WELDON) presented an amendment to the Committee on Rules this afternoon which would simply state that China will lose its access to our markets if it invades or blockades Taiwan. This amendment is consistent with GATT. But I expect that the Committee on Rules will reject it because the administration will reject it because China will not accept it.

Now, who is to blame? China? If it interprets the proceedings of this House as a green light to blockade or invade Taiwan, and if this House is willing to grant permanent NTR, even if China blockades or invades Taiwan, what would the other body do? What would the proponents of trade suggest? We must insist that the Berman-Weldon language is included in this statute. If it is not, then we are being vague when clarity is called for. We will be at fault if China is misinterpreting our bill.

China is what they have, in essence, given permission to revision and extend their remarks. (Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

China's size makes China special. It is a monster that can greatly distort the economics of world trade. But more importantly, with China's centralized authority, the totalitarian control of both the consumers and the workers and the means of production, everything is under control, and that also is a danger to world trade.

No one in this government is willing to give us an honest study and a honest assessment of the damage that has already been done by NAFTA with its monstrous drain on manufacturing jobs on this country's economy. But China has the capacity to do 100 times more damage than Mexico did with the NAFTA blunder.

China's trade is great for our retail establishment. Yes, they like to go and purchase items for a few pennies and sell them for many dollars at a tremendous profit in our retail stores. China's trade is great for our manufacturing concerns, to take their plants and pick them up and have products manufactured in China and brought back here and sold in a standard in line with our quality of life.

For the managers, the executives, and the investors profits leap upward forever in this China deal. But for ordinary Americans, the statistics and the records tell the tragic side of the story. Already world trade has cost us a great deal. The gap between workers and the people on the top keeps growing. China is a disaster. Vote "no" on this trade bill.

Mr. Chairman, I am strongly opposed to granting permanent normal trade relations to China and, knowing the strong feelings on both sides of the issue, will explain the reasons for my objection.

Permanent normal trade relations with China will increase America's trade deficit, contrary to what many believe. In 1999, America exported one-third less of agricultural products to China than in the previous year and the resulting deficit affected two-thirds of all agricultural commodities exported to China. In fact, America's trade surplus to China of $118 million turned to a $12 billion trade deficit in 1999. From 1995 to 1999, American export of fresh apples to China fell by 79 percent, while we imported twice the dollar amount of dried apples from China than we exported in fresh apples. While we exported no peanuts to China in 1999, we imported peanuts from China for the first time in 1998 and exported only $14,000. This was a drop from $60,000 worth of peanuts exported to China in 1994.

How can we believe that simply giving China permanent normal trade relations status will reverse this very clear trend? This increase in agricultural imports from China to the United States has occurred simultaneously while overall United States exports to China have disappeared. The United States is a significant agricultural trade deficit for the United States. Granting permanent normal trade relations status to China will not automatically recalibrate the balance of trade between our two countries. And historically, China has failed to honor trade agreements with the United States. What makes proponents of permanent normal trade relations believe that it will be any different after approval then it is now?
But of equal concern to me is the well-known record of China in human rights violations. This extends to the workers in China who will be the recipients of American jobs exported there under the misguided belief that permanent normal trade relations with China will be beneficial. At the current rate of 1 hour in manufacturing wages for the average worker in China, the temptation for multinational corporations to move business from America to China will only be exacerbated by granting it permanent normal trade relations status. If permanent normal trade relations status is granted to China, multinational corporations are draining away assets from Federal, state and local coffers and taking their business to other countries that have less ethical and stringent standards under which their citizens earn a living. Are we to condone and support a trend by making it easier for those multinational corporations to export jobs away from America?

This negative trend for American trade will not be helped by granting China permanent normal trade relations status. It will simply increase on foreign imports set in motion a dangerous precedent that could see the eventual disappearance of the prosperity and productivity that America has built to an incredible degree over the last 8 years.

International concerns that should give proponents of permanent normal trade relations with China pause is China's unchanged reputation for upholding of radical factions; like Iran, Iraq, and Libya and for bullying Taiwan.

By granting permanent normal trade relations status to China, we send a message to multinational corporations that it is OK to siphon money from American communities and move assets abroad with impunity. We say to China: "It is OK to practice human rights violations and abet rogue nations in the international arena.

The proper course of action for the United States Congress is to deny permanent normal trade relations to China. We must not allow American jobs to disappear and resurface abroad. We must not turn a blind eye to China's intransigence on world security issues. Let us not turn back the clock on what we have been able to accomplish over the last eight years. We must say no to permanent normal trade relations for China. We must say no to the betrayal of slave-wage workers in China and to workers in America.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Chairman, the question before the House is permanent normal trade relations for China. But the previous question, the larger question, the larger issue is fairness for domestic industries and our workers, equity for American workers.

When subsidized goods from foreign sources flood our markets, not protection but prompt, vigorous, efficient enforcement of our existing trade laws, has not happened in the steel industry in the United States. We have lost 350,000 jobs in basic steel and 10,000 jobs in the iron ore mining country of my district.

For the past 4 months, I have asked the administration and backers of this legislation to fix two problems with legislation that I have prepared on the Trade Act of 1934 and the Trade Adjustment Assistance Act of 1974 to provide that equity and that fairness that I am asking for in international trade. It has not been forthcoming in this legislation.

I have not been uncommitted but very clear about my position. If we can fix the problem and help the workers face an uncertain future, I would vote for this. But if not, I will vote against it.

Symptomatic of what lies ahead are the defective issues in the U.S. agreement with China that are reflective of the broader pattern of international trade where we have failed to enforce existing law. What hope does workers in American industry have about the future of a broader trade agreement when existing law is not vigorously, effectively enforced? We ask only for that. It has not been forthcoming. I see no hope that it is going no.

Mr. ROHRABACHER. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH), a human rights advocate who has earned that reputation through many years of human rights work. What does he say?

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to PNTR, and tonight I especially urge the undecided Members to look at China's ever-worsening human rights record and look long and hard at the compelling threat that PRC poses to Taiwan on both the short and intermediate term as they build up with U.S. missile and computer technology and Russian ships, and the threat to the U.S. itself. The VFW and the American Legion have taken a long look at this issue and they have urged a "no" vote on PNTR.

Mr. Chairman, a few moments ago the gentleman from Trenton, New Jersey (Mr. WENSTONE), who takes the view that is contrary to my own, rightly called China a dictatorship. Our business partners, Mr. Chairman, in Beijing indeed are dictators, and they are directly responsible for heinous crimes against humanity, including the systematic use of torture, the laogai or slave labor, where hundreds of thousands of people, thousands of gulags or laogai are used to make goods that are then exported to the United States. And I CQ that we have will them is not even worth the paper it is printed on.

They have given new meaning to the word union busting. Those brave Chinese who speak up and try to organize are thrown into jail and they too are beaten. As a result of the one child per couple policy, brothers and sisters are illegal. Forced abortion, properly construed as a crime against humanity by the Nuremberg War Crimes Tribunal are going on in China on a massive scale today, there is no toleration of dissent in the PRC.

I have had 18 hearings, Mr. Chairman, in my Subcommittee on International Operations and Human Rights of the Committee on International Relations. We have looked at this at every angle. Another commission is nice, but it should not be done in lieu of substantive action.

Mr. CRANE. Mr. Chairman, how much more do you intend to say?

The CHAIRMAN. The gentleman from Illinois (Mr. CRANE) has 3 minutes remaining.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

Brent Scowcroft, U.S. Air Force lieutenant general, retired, and former National Security Advisor and the gentleman from New Jersey (Mr. SMITH), said nothing is permanent. If they misbehave, he said, maybe something could be done. Let me just point out the fact is that this dictatorship is misbehaving on a grand scale. And does he question, is there anything that they can do, any abuse they can perpetrate that does not lead to the loss of PNTR? I urge a "no" vote on this resolution.

Mr. CRANE. Mr. Chairman, how much more do you intend to say?

The CHAIRMAN. The gentleman from Illinois (Mr. CRANE) has 3 minutes remaining.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

Brent Scowcroft, U.S. Air Force lieutenant general, retired, and former National Security Advisor and the gentleman from New Jersey (Mr. SMITH), said nothing is permanent. If they misbehave, he said, maybe something could be done. Let me just point out the fact is that this dictatorship is misbehaving on a grand scale. And does he question, is there anything that they can do, any abuse they can perpetrate that does not lead to the loss of PNTR? I urge a "no" vote on this resolution.

Denying PNTR will not fix the problem in China. None of us is here to defend the abysmal human rights record of the Chinese, but, frankly, it is better today than it was during the cultural revolution. Things are improving. Ren Wangding, leader of the 1978 Democracy movement in Tiananmen, said this vote, "Denying permanent normal trade relations will remove none of the blemishes that China's opponents have identified."

Denying PNTR will not fix the problem in China. None of us is here to defend the abysmal human rights record of the Chinese, but, frankly, it is better today than it was during the cultural revolution. Things are improving. Ren Wangding, leader of the 1978 Democracy movement in Tiananmen, said this vote, "Denying permanent normal trade relations will remove none of the blemishes that China's opponents have identified."

I was in China at the beginning of this month with the Secretary of Agriculture and several Members of this Congress, two of whom just today finally made up their minds to support PNTR after much serious discussion. PNTR vote is a vote about what happens here in this country as much as it is the hopes of some of us to change the current situation in China.

Today, in my home State of Oregon, they are preparing the first shipment of wheat to go to China in 26 years, because until this bilateral agreement...
came along, China used one of those nontariff barriers, called TCK SMUT, with a zero tolerance to preclude us from ever selling wheat into China. And they were successful for 26 years. That changes tomorrow when the ships leave Portland, Oregon, with 50,000 metric tons of wheat.

That is important. My farmers are suffering. If there is one thing I have heard over and over again as I have gone around my district is about bad past trade agreements that left us on the wrong side. This one forces China to open its markets, reduce its tariffs, and puts us on a better playing field when it comes to trade. And that is so important to people who are facing bankruptcy and disruption of their markets.

And, my colleagues, if we do not pass PNTR, we give the European Union, who we know subsidizes their farmers and ranchers to an extraordinary amount, our bilateral agreement, and we stick it to American farmers. And that is wrong, Mr. Chairman.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from California, Mr. CAPPS.

Mrs. CAPPS. Mr. Chairman, I rise in support of this legislation. I thank the gentleman from Texas (Mr. ARCHER), the Chairman of the Committee on Ways and Means, and the ranking member, the gentleman from New York (Mr. RANGEL), for their leadership in bringing this bill to the floor.

I acknowledge the hard work and passion of good friends on both sides of the aisle on an issue on one side eloquently stating the challenges that remain in our relationship with China, others highlighting the opportunities this agreement presents for Americans and the China people. I believe we share the same goals.

We all want to expand our economy and to increase opportunities for all Americans. And we all want to encourage reform in China, nurturing freedom for one billion people. I want a world a safer place for everyone. This debate has shown that people of good intentions can strongly disagree on a means to achieving the same ends.

I am convinced that passing permanent normal trade relations and engaging with China is the best course for our economy, our national security, and the Chinese people. I know that increased exports of wine, citrus, beef, and other farm products will benefit the families on one side; it makes the world a safer place for everyone. I urge my colleagues to support this legislation. I thank the chairman, and they are叫我

engagement with China, and they are calling for continued engagement with China, and they are calling us to heed.

We must ensure China lives up to its commitments in this agreement. We must encourage American companies to uphold the very best of our values in China. We should not shrink from this challenge and this opportunity by refusing to engage with China. We must confront China's human rights shortages and encourage the voices of progressive change in that country.

I urge my colleagues to support this important legislation.

Mr. KLECKZKA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today in opposition to granting permanent normal trade relations to China.

Entering into a trade agreement with China, given their current record on human rights and workers' rights, to me, is like marrying someone we hope to change. After the vows are taken, we then tell that person what is not right with the relationship and what needs to be done differently. It does not work.

Today, the U.S. imports 36 percent of all Chinese exports, but working conditions remain horrible. They are bad in the factories, where the sneakers are made, where the TV’s are made. Yet we buy those products, and U.S. companies in China and the Chinese manufacturers have done nothing to improve workers' rights.

What is most alarming is that many of these products are made by very, very young children, who work more than 12 hours a day for very small wages; and they work 7 days a week. 

It is pitiful that the U.S. is ignoring the awful conditions that these children face. PNTR with China would be a bad marriage. After the honeymoon hype fades away, we would be left with nothing except the same old China, where children work in virtual slavery.

The United States must not say “I do” to China until the Chinese people have freedom and the American people have responsible trade policy.

I urge my colleagues to vote “no” tomorrow.

Mr. KLECKZKA. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Ms. WYNN).

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

Mr. Chairman, today we are deciding United States trade policy with the People’s Republic of China. Given the fact that China is a communist nation and that it regularly violates the human rights of its own citizens, the United States Congress, rightfully, every year decides whether to treat China that year with restrictive or normal trade relations.

This year Congress is being asked to give up this annual review. And the question is, should we do so? While I believe in free trade because it can be in America’s national security and economic interest, and while China’s leaders have made some progress from their days as an inward-looking regime, China has broken every one of the six trade agreements it was signed with the United States since 1992. It is clear to me that not enough progress has been made or even attempted in the important areas of
human and worker rights and in protecting the environment in China.

I hope the time will come when the great nation of China will earn the right to permanent normal trade relations with the great Nation of the United States. They have not done so yet.

I urge my colleagues to vote “no” on PNTR for China.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Moran) over their people: the people who believe in democracy. And certainly the Communist Party wants a no vote. They want a no vote because they know if they are put under the international rule of law and if they have almost unfettered Internet access to their people, if they cannot control what their people read and see and believe, they, the Communist Party, lose control over their people: the people of China will be liberated; the people of China will be able to deal with us. That free enterprise will prevail, that democracy will prevail, that human rights will prevail.

All of these hardliners in China want us to reject this treaty because they are afraid of competition with the United States. They do not want to have to worry about providing better working conditions for their people, worrying about the environment, providing the kinds of benefits that we provide in higher standard of living to the people who work for American corporations.

And certainly the Communist Party wants a no vote. They want a no vote because they know if they are put under the international rule of law and if they have almost unfettered Internet access to their people, if they cannot control what their people read and see and believe, they, the Communist Party, lose control over their people: the people of China will be liberated; the people of China will be able to deal with us. That free enterprise will prevail, that democracy will prevail, that human rights will prevail.

China needs to be an economically independent ally, not an isolated military threat. They need to be an economic opportunity, not someone who is closed off. And certainly, the people of China need an opportunity to understand that working right, that individual freedoms is what the human condition is all about.

Give the Chinese people a chance.

Vote “yes,” Mr. KLECZKA. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, over the last couple hours we are told about slave labor, child labor, human rights abuses, forced abortion in China. So one could ask, why are we here giving permanent trade status to China? What is this issue all about?

My colleagues, the issue is all about money. The issue tonight is money, corporate profits for our industry and corporate boards. That is what it is all about.

Now, we have heard from the proponents that, gosh, we cannot isolate China, we cannot refuse to trade with them, we should not be protectionist. And it is all nonsense. Because everyone talking on the floor, be they for or against this resolution, know that we are going to continue, like today, trading with China.

So what is the big deal? The big deal is do we give China tomorrow permanent trading status with our country? Do we throw open the doors to promises of hundreds of thousands of new jobs? Or should we, like we have for almost the last 20 years, review this country and look at their abuses on an annual basis and then on this floor make a decision?

That is the question. It is not protectionism. It is whether or not Congress, the elected officials, will continue to review this.

I was told about the hundreds of thousands of jobs when NAFTA was passed, the trading agreement with Mexico. My colleagues, I come from Milwaukee, Wisconsin. A short time ago Master Lock, little bicycle locks, and big locks, small locks, they announced that they were going to close the plant, lay off 400 workers in the Milwaukee area, and move that to Mexico where the average wage we are told is about 50 cents an hour.

We cannot compete with that. Well, that is not going to happen in China. Baloney. The average wage in China is 13 cents. Master Lock should have waited for this and then ran to China.

We are going to have to trade and they are going to buy American goods. The per capita income in China is about $750 a year, $750 a year. How many Jeep Cherokees can the Chinese buy from us? How many refrigerators? How many computers?

My colleagues, the issue here is money, money, money.

We were told when we had a hearing before the Committee on Ways and Means that, under this agreement, in 1997 we are eliminating the review that we have. Their only restraint on their violations of human rights we are taking away by permanent normal trade relations.

What is this again? As I started out, this whole debate is about what? It is about whether or not we are going to continue the subsidies of American businessmen through the Export-Import Bank who are making their investments in Communist China to take on the taxpayers’ expense by the taxpayers guaranteeing that investment. That is what is fueling this whole debate today. Nobody wants to recognize it.

What we are doing is building the infrastructure, the technological and manufacturing infrastructure of the world’s worst human rights abuser and the country that poses the greatest threat to us militarily in the future.

We are creating a monster with blood on its hands. The blood on its hands is the people who believe in democracy. And
Mr. CRANE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to read a quote of President Chen Shui-bian, the newly inaugurated President of Taiwan: ‘‘We would welcome the normalization of U.S.-China trade relations, just like we hope the Cross Strait relations between Taiwan and China can also be normalized. We look forward to both the People's Republic of China's and Taiwan's accession to the WTO.’’

The first is from the EU Trade Commissioner Pascal Lamy, who said, ‘‘WTO entry has benefits for China, as it has benefits for EU companies, and it will enhance EU-China relations and that has just been concluded.’’

And finally, American businesses and religious leaders need to remain engaged in China as an example and as a voice for our values. Rejecting the constructive bilateral trade agreements offered by the Chinese and denying normal trade relations would mean severing ties that would take generations to repair. ‘’

I would remind colleagues, this may be the most critically important vote they will cast in their entire career in the Congress of the United States.

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

Mr. FRELINGHUYSEN. Mr. Chairman, American business men and women have eyed China for years, knowing that the sky is the limit when it comes to selling American made products 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 restricted.

In today's global market, we can no longer afford any restrictions on trade with the world's largest population. We must engage China, and ensure that American companies and American workers have the tools to compete with other nations in Chinese markets. Remember, when America competes, we win.

That's the bottom line. 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.

China ranked as New Jersey's 9th largest export destination in 1998, an increase from 13th in 1993. Our Garden State exported $668 million in merchandise to China in 1998, more than double what was exported five years earlier. With a formal trade agreement, many products and services, but we will deliver a good old fashioned dose of our democratic values and free-market ideas. These ideals are already percolating in China —interestingly, today there are more Chinese shareholders in private companies in China than there are members of the Chinese Communist Party!

Fourth, international trade, whether with China or any other nation, means jobs for New Yorkers, and continued prosperity for our state. That's the bottom line. 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.

China ranked as New Jersey's 9th largest export destination in 1998, an increase from 13th in 1993. Our Garden State exported $668 million in merchandise to China in 1998, more than double what was exported five years earlier. With a formal trade agreement, many products and services, but we will deliver a good old fashioned dose of our democratic values and free-market ideas. These ideals are already percolating in China —interestingly, today there are more Chinese shareholders in private companies in China than there are members of the Chinese Communist Party!

Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I yield myself the balance of the time.
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. DAVIS) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IRANIAN JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

Mrs. ROUKEMA. Mr. Speaker, I rise today to firmly state my outrage at the behavior of the government of Iran regarding the thirteen members of the Iranian Jewish community who are currently incarcerated by Iranian authorities. It is a moral outrage, innocent people are being held against their will just because of their religion.

Iran has a terrible record of human rights violations. According to the State Department and several internationally recognized human rights organizations such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran have been the victims of human rights violations solely because of their status as religious minorities. These include Sunni Muslims, Christians, and Jews.

More specifically, the Iranian Jewish community has been in especially terrible danger. In just the past five years, the Iranian government without having been tried has executed five Jews. There has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press, and many Jews have been forced to flee the country.

Most recently, as I have mentioned, Iranian authorities arrested thirteen Jews, including community and religious leaders in the city of Shiraz. Iran has charged these Jews with espionage on behalf of the United States and Israel, and has pursued their executions. They have been denied visitation privileges during their months of detainment and their fate looks increasingly perilous as time passes.

These Jews, including rabbis, religious teachers and community activists, have committed no such crime. The United States and Israel have adamantly denied any connection to these prisoners.

All the Jews of Iran want is to be able to live in their country, where they have thousands of years of history, while fulfilling their Jewish identities. Efforts to portray these individuals as participants in a “Zionist spy ring” are ludicrous. They are innocent and should be released immediately.

Since the beginning of the Islamic revolution, the government has claimed that it respects the Jewish community. Instead, it has systematically arrested Jews, Jews have been forced to flee the country, and Jews have been denied contact with their families and community. To date, 25,000 Jews still live in Iran. But this has been a difficult 20 years for the Jewish community in Iran. The government has consistently articulated anti-Israel and anti-Zionist propaganda. A number of Jews have been executed on charges of spying. Jewish property has been confiscated, and there are other reports of other discrimination.

Still, the Iranian government has consistently asserted that it is not anti-Jewish and that the Jewish community is an integral part of Iranian society and plays a legitimate religious and social role. And the worst fears of Iranian Jews, and Jews around the world, have been reactivated, reanimating some of those long-held fears.

I urge the President to make a strong statement demanding the release of the Iran thirteen. I believe it is imperative that Iran immediately release these innocent individuals and to stop its anti-Semitic behavior.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have just witnessed a very fine debate on PNTR, and I thought that I would expand for my 5 minutes’ worth a little bit on the points that have been made today.

I think it was vital that people not miss the point that the gentleman from Colorado (Mr. TANCREDO) stressed when he gave his speech. That was that many of the companies that we are talking about that have been opened up and that people are talking about doing business with in Communist China are companies that are owned by the People’s Liberation Army.

What a travesty it is that what we have got, and this is as I have repeated in that debate several times, the essence of what is being decided is whether or not major businessmen in the United States can invest in building manufacturing facilities in Communist China, while what they do when they build these manufacturing capabilities in Communist China, what they do when they use these manufacturing centers, they have to go into business with a Chinese partner. Who is that Chinese partner? More often than not, the Chinese partner is the People’s Liberation Army.

Thus we are providing the capital through the American taxpayer, subsidizing the loans that these businessmen get, guaranteeing the loans so that people will give them the loans they need to create these manufacturing centers and build these missiles. Who are these missiles? Who are those missiles aimed at? Today because of our policies toward Communist China, the Communist Chinese regime has the capability of killing tens of millions of Americans, and they did not have that capability 10 years ago.

This is not the type of policy that we should make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.

Please listen to that debate when you hear that. It is not about selling American products. Almost none of our economic activity with Communist China is the selling of American products. What we are sending over there are manufacturing units, technology that they steal from us and the technology that they get from us through this economic relationship they have with the Chinese, military aid that they give them, and then they build these manufacturing centers, they have to go into business, they have to go into business with a Chinese partner who is splitting the profit with them? The People’s Liberation Army.

The People’s Liberation Army that builds missiles with the technology that they steal from us and the technology that they get from us through this economic relationship they have with the Chinese, the military aid that they get from us that they use to make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.

Please listen to that debate when you hear that. It is not about selling American products. Almost none of our economic activity with Communist China is the selling of American products. What we are sending over there are manufacturing units, technology that they steal from us and the technology that they get from us through our economic relationship with Communist China. It is our economic relationship that gives the Chinese the capability of killing tens of millions of Americans, and they did not have that capability 10 years ago.

This is not the type of policy that we should make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.

Please listen to that debate when you hear that. It is not about selling American products. Almost none of our economic activity with Communist China is the selling of American products. What we are sending over there are manufacturing units, technology that they steal from us and the technology that they get from us through our economic relationship with Communist China. It is our economic relationship that gives the Chinese the capability of killing tens of millions of Americans, and they did not have that capability 10 years ago.

This is not the type of policy that we should make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.

Please listen to that debate when you hear that. It is not about selling American products. Almost none of our economic activity with Communist China is the selling of American products. What we are sending over there are manufacturing units, technology that they steal from us and the technology that they get from us through our economic relationship with Communist China. It is our economic relationship that gives the Chinese the capability of killing tens of millions of Americans, and they did not have that capability 10 years ago.

This is not the type of policy that we should make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.
By the way, just to let Members know, I was in Cambodia a few years ago, and they were having trouble with the millions of land mines that are sown throughout Cambodia. Somebody actually had changed the nature of the land. It was very hard to know. We had been looking for 20 years. We found the land mine. The land mine, of course, was designed to blow the legs off children and women and terrorize that society in Cambodia. What was the little chip? The chip came from a Motorola factory that was built by the United States in Communist China, perhaps the one that was built there by the businessmen from the gentleman from Illinois’ district.

The fact is we should not be subsidizing businesses to build factories even in democratic societies, much less subsidizing the building of factories and high technology transfers to the world’s worst human rights abuser. Neville Chamberlain had that same strategy with Adolf Hitler. We all remember in Munich where Neville Chamberlain, the British prime minister, gave away Czechoslovakia to the Nazis. We think that was the sellout. No, that sellout started way before the Chamberlain said we will build up Hitler’s economy and have so much investment there, he will never be able to come aggression because it would have such a deleterious effect on the German economy. That was his strategy. That is exactly what we are being told now of why we must, quote, engage the Communist Chinese. No one is talking about isolating Communist China. No one is talking about stopping trade. Our people would still be free to do that. But why should we subsidize the investment there? And why should we give up our rights here in Congress for an annual review of what our policy toward wages does for the people of the United States?

Making it permanent and giving up our review, is that going to be seen by the Communist Chinese as a commitment on our part to human rights and to protect our own interests? No, it is going to be looked at exactly the way they have been looking at our policy for 10 years. The Communist Chinese leadership thinks we are a bunch of saps, that we do not believe in freedom and liberty and justice, that it is just a matter of cliches. They see us as people who are weak.

We must be strong to protect the interests of the people of the United States, to protect our national security. That means a vote against permanent normal trade relations with China.

CLEVELAND STEAMSHIP WILLIAM G. MATHER’S 75TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. Jones) is recognized for 5 minutes.

Mrs. Jones of Ohio, Mr. Speaker, today, May 23, the steamship William G. Mather marks the 75th anniversary of its launching. The Harbor Heritage Society, the Mather’s nonprofit parent organization, is hosting a rededication ceremony that began today at 2 p.m. The rededication will take place aboard the Mather which is moored at the Cleveland East 9th street pier.

The Mather has had a presence on Cleveland’s waterfront for nearly 75 years, first as a working Great Lakes freighter and, since 1991, as a floating maritime museum. One of the only four Great Lakes freighter museum ships in existence, the Mather exemplifies Northeast Ohio’s proud heritage as a major maritime industrial shipping center.

A former flagship of the Cleveland-Cliffs fleet, the 618 foot William G. Mather was state-of-the-art technology in Great Lakes freighters when it was launched in 1925. The Mather is named for longtime Cleveland-Cliffs president and philanthropist, William Gwinn Mather. During its 55 years of service, the Mather made hundreds of trips, transporting iron ore from the upper lakes to Great Lakes steel mills. For this reason, the Mather was nicknamed the ship that built Cleveland.

The William G. Mather had a long and distinguished Merchant Marine career. To supply the Allied need for steel, the Mather led a convoy of 13 freighters in early 1941 through the ice-choked upper Great Lakes to Duluth, Minnesota, setting a record for the first arrival in a northern port. It was one of the first commercial Great Lakes vessels to be equipped with radar in 1946. The Mather has been designated a national historic landmark by the National Park Service. The American Society of Marine Engineers for the following Great Lakes industrial firsts:

- First single marine boiler system built by Babcock & Wilcox in 1954, its computerlike automated boiler system built by Bailey Meter Company in 1964, and the dual propeller bow thrusters built by the American Shipbuilding company in 1964.

The Mather retired in 1980. In 1987, Cleveland-Cliffs donated the Mather to be restored and preserved as a maritime museum and educational facility. After an extensive 3-year restoration, the Steamship William G. Mather Museum opened at its permanent lakeside berth in downtown Cleveland’s North Coast Harbor Park. Since its May 1991 opening, hundreds of thousands of visitors and many area school children have come aboard and toured the historic Mather. That date, the greater Cleveland area has invested more than $2.5 million and 250,000 volunteer hours in “the ship that built Cleveland.”

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Sherman) is recognized for 5 minutes.

Mr. Sherman of California. Mr. Speaker, I am against isolationism, against protectionism, and I am against this deal. Trade with China should not end, but we need to go back to the drawing board. We accept over 43 percent of China’s exports. They accept only .7 percent, less than 1 percent of our exports.

Under those circumstances, we can negotiate a better deal. This deal is good for profits, but it is bad for American working families. It is good for the Chinese Communist party. That is why they want this deal so badly. And it is bad for those who want to unravel the power of the Communist party elite in China. This deal is good for the People’s Liberation Army and bad for American security interests.

First, let us turn to the balance of trade. This deal will make permanent a system that has led to the most unbalanced trade in the history of affairs between nations, a $70 billion trade deficit as contrasted to a $13 billion market for our exports.

Second, on the issue of human rights; I can understand why she would have said this deal kills American jobs, she said this deal will increase our already enormous trade deficit and cost America 872,000 jobs. She said this deal will make permanent a trade system that has led to the most unbalanced trade in the history of affairs between nations, a $70 billion trade deficit as contrasted to a $13 billion market for our exports.

Second, on the issue of human rights; there are those that say that through that action before we vote.

I can understand why she would have preferred that the report be issued only after we vote. I am against this deal. She asked for the report. When the report said this deal kills American jobs, she said it was premature.

I should point out that this report was officially requested by U.S. Trade Representative Charlene Barshesly, the primary mover in the administration after we vote. I am against this deal. She asked for the report. When the report said this deal kills American jobs, she said it was premature.

I can understand why she would have preferred that the report be issued only after we vote. I prefer to get information before we vote.
engagement, we are going to undermine the power of the Communist Chinese party, but you know who does not believe that? The heads of the Communist Party of China. They know this deal will make them stronger; that is why they support it.

As for the dissidents in China, we do not know what they think, they have got a gun pointed to their head. Are they free to tell us? But most of the dissidents who have served time in China prisons and escaped to the United States are against this deal.

Finally, I would like to move to the newest development of all, because it happened this afternoon. Two of our colleagues, the gentleman from California (Mr. Berman) and the gentleman from Pennsylvania (Mr. Weldon) went to the Committee on Rules with an amendment that is fully legal under GATT, and that amendment provides, as follows: Normal trade relations treatment shall be withdrawn if China invades or imposes a blockade on Taiwan.

Mr. Speaker, I believe that the Committee on Rules will not make this in order, because it is not accepted by the administration, because, of course, it is not accepted by China. So we will be asked to pass this bill without the Berman-Weldon amendment, and that will signal China that it can continue to enjoy access to the American market even if it blockades Taiwan.

We ought to set the opposite clear to the world, but without the Berman-Weldon amendment, what is the message? That amendment was brought before this House or brought before its official Committee on Rules, it is part of the record of these proceedings. We asked that we be allowed to make it in order. If it is rejected, then who is to blame China for believing that this House has endorsed permanent trade with China, even if they blockade Taiwan. This is now the Taiwan Blockade Authorization Act.

WHO ARE THE TRUE DINOSAURS ON TRADE?

The SPEAKER pro tempore (Mr. Sweeney). Under a previous order of the House, the gentleman from Wisconsin (Mr. Obe) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, The Washington political establishment is looking down its collective elitist nose at those of us who are saying no to legislation that would provide permanent Most-Favored-Nation trading status for China. In their newspaper columns and at their cocktail parties they tut-tut that those of us who are raising a challenge to that legislation are simply trying to stop economic progress that has benefited, in a number of ways, the families, the people and the economy of the United States.

Those who say that we must accept the reality of globalized trade and support permanent favored nation status for the Chinese without any conditions are among the dinosaurs. They are in fact the ones stuck in the past. They are defending a set of absolutist trading arrangements and a set of useful but creaky international institutions that were established at the end of World War II. They give only token recognition to the changes that are needed in these essential but antiquated institutions.

At the end of World War II, visionary world leaders redrew European in ruins because of Hitler's mad rampage through the middle of the 20th Century. They correctly understood three things:

(1) That Hitler's rise to power in the first place was driven by the fear and chaos that accompanied the collapse of first Europe's and then America's banking system—a collapse that fed the downward spiral of national economies on both sides of the Atlantic and produced catastrophic levels of unemployment and panic.

(2) That Europe must once again be made safe for democracy by rebuilding its political institutions.

(3) That America's long-term economic and political health depended upon rebuilding Europe's economy in order to rebuild world commerce and create markets for our own goods.

In subsequent decades, the world's economy has recovered, witnessed by the proud achievement of the WISE MEN, as they were called, organized the Bretton Woods conference which established a new set of institutions—the International Monetary Fund and the World Bank—in order to help rebuild a new global economy and a new trading order. The mission of the Fund was to insure stability in monetary exchange. The mission of the Bank was to assist nations in the task of economic development and reconstruction.

Those institutions helped to produce phenomenally successful results. The world escaped the kind of global recession in the years immediately following World War II that had historically followed other great conflicts. In the decade that immediately followed Bretton Woods, most of the war-torn European economies bounced back above their pre-war levels. In subsequent decades, the world's economy more than tripled in size and continued an expansion—with temporary interruptions to be sure—that has now lasted for more than 50 years.

That happened despite the fact that nearly half of the world's population continued to struggle under the yoke of communism for most of that period. In fact, the powerful contrast between the prosperity of open market economies in the West and the desperate situation faced by those condemned to live under centrally-planned economies ultimately contributed greatly to the demise of the Soviet Empire.

That success was accompanied and abetted by expanded trade which also contributed to prosperity of both America and China and to the trading partners in all countries. For example, through the mid-70's a rising tide lifted all boats. Almost all families, whether they were headed by a corporate CEO or a janitor at the company or the power of capital and ever-increasing costs that go into any product because we are normally goods at lower costs worldwide. And normally that would be a blessing.

But when that becomes the only goal or at times the only result, it is a disaster for those who do not possess large amounts of capital because their wages cease to rise. And the communities they live in come under pressure to allow corporations to do less and less to clean up pollution, all in the name of remaining globally competitive in a world where there are no longer any restraints on the movement or the power of capital and ever increasing restrictions on the power of everything and everyone else—governments, consumers, and labor.

Capitalist economies cannot by definition produce equal income for all people. Each society needs risk takers who can amass wealth so that accumulated wealth can be invested to produce economic growth for the entire society. That is bound to produce income inequality. As Pope John Paul II has observed, there are certain “norms of decency” that must be respected in order to produce economic justice and the social cohesion that is necessary for any economic system to function. The last two decades have produced just the opposite—the widest gap between the wealthiest 1% of our people and the least wealthy 20% of any time since the birth of the 20th Century.
Since new globalized trading realities have helped produce that problem, they must also be part of the effort to fix it.

In our society the gap in income—in education, in housing, and in medical care—has grown disgracefully worse. Those who in this economy are the highest income venture capitalists, the multinational corporations who have helped produce that fact—largely risk capitalists, the multinational corporations who have so much to gain by further globalization—should be willing to see a tiny fraction of that increased wealth used to help those who will otherwise be caught in the prop wash of their incredible prosperity.

When a doctor administers cancer fighting drugs, he knows that he must also deal with the side effects of those drugs or his patient will not be able to tolerate the drug and will die. Isn’t that just as true of the negative side effects of globalization on the lower paid, underskilled workers caught in the wake of economic change?

If we are to embrace the change that globalization 21st Century trading produces, we must reshape the institutions that will regulate and govern that commerce. We need a redefinition of the role of the IMF, the World Bank, and the global financial institutions; and new institutions such as the World Trade Organization, so that the interest of labor and the environment are represented at the table when trading decisions are made—not just the interest of capital and governing elites.

We need a second Bretton Woods conference to both modernize and humanize trading relationships or we will lose in the 21st Century the gains we have made in the 20th in establishing a balance of decency between the needs of the corporate-based market economy and the needs of a family-based so-society. And it means all of those things before and after we give away our leverage to obtain them.

Demonstrators in Seattle and Washington may have aimed their protests at some of the wrong targets, but that should not obscure the fact that those same demonstrations were to lock in the exploitative system that has brought our society to much greater suffering. And it means all of those things before and after we give away our leverage to obtain them.

Those who want to approve their rules without first changing the rules of the trading game that contribute to this injustice are the true troglodytes and dinosaurs. It shouldn’t be too hard to find common ground, but first you really have to want to. When those who want us to get on with the game are willing to change the rules to minimize the brutality of the game for those in our society who are not economic superstars, then they will find a lot more of us willing to play it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. HOLT) is recognized for 5 minutes.

OPPOSING PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise in the strongest opposition to the proposal for permanent trade privileges with China. Trade does not bring freedom, only enforceable laws in democratic republics bring and carry assurance of freedom. Trade does not build a middle class, only laws governing workers rights to organize undergird middle-class wages and benefits.

Before World War II, Nazi Germany’s largest export market was England, and for the United States, Japan, did that stop totalitarianism’s rise? Trade with Communist countries does nothing to assure that those doing the work reap any of the benefits; that is why the United States for so many years has held sacred its special laws governing trade with Communist nations. And now that the United States has been victorious in defeating Communist regimes in most corners of the world, some will choose to abandon the lesson that has held in peace the so-called most favored nation replacing it with the toothless normal trade relations statute that we are about to debate tomorrow.

A trade with Communist countries does nothing to assure that those who do the work reap the benefits. Permanent trade status for China will only serve to lock in the exploitative system of agricultural and industrial servitude that is China today; this is not a fight for building a healthy middle class wages.

This is a fight about China becoming a vast export platform 12 times the size of Mexico, taking our markets in Asia’s Rim and sending the glut of sweatshop goods back here to our shores.

When NAFTA passed, the proponents said it would result in a huge export platform, a vast export platform that Max sanders, and Mexico’s workers’ wages would go up and there would be no downward pressure on wages and benefits in this country. Look what has happened, Mexico now exports more cars and trucks to the United States than the United States does to the entire rest of the world.

Our Nation has hemorrhaged tens of thousands of jobs, of living wage jobs, to Mexico, and now the China drain will accelerate if this measure passes. Mexico has turned into a major export platform, not an export market. Just look at the label on your television or your car engine or your truck or your electronic gismo, everything coming in here; only thing America is export- ing now is our unemployment and the most Americans will never be allowed to travel in the Nation of China. It is a fight indeed for the Chinese people, and the fight most of all for American principlis. Will we side with the chauffeur limousine class, the advertisers, the retailers, the global companies who soothingly tell us, Everything will be fine? But by their shear power and money, they hold sway over the visual and printed media in this country.

For those fighting permanent trade privileges for China on the basis of democratic values, I say hurrah. Praise freedom lovers and the imprisoned China Democratic Party leaders for whom we speak here on this floor today.

For those fighting permanent trade privileges for China on the basis of religious freedom, I say God bless them.

As for those fighting permanent trade privileges for China on the basis of freedom of assembly, whether it is for the Falun Gong or the murdered freedom fighters in Tiananmen Square, I say history will judge you as righteous.

America’s values are freedom and valor. As we move into this Memorial Day week, let us renew our promise as the world’s premier freedom fighters. Vote for freedom. Vote “no” on permanent normal trade status for China.

Mr. Speaker, I include for the RECORD a letter sent by Wei Jinh Sheng, who spent nearly 2 decades of his life in Chinese prisons. Why? Because he fought to be an independent democratic political leader in his own country.

He says to us, “Supporters of this agreement who are won by phrases like the United States is giving up something of profound importance if they were to approve this agreement. Please help us fight Chinese tyranny.”
Please read his words in the Record, and tomorrow vote "no" on permanent trade status for China.

Supporters of Permanent Normal Trade Relations (PNTR) for China tell us the US is giving up nothing in its trade deal with the regime in Beijing. China is making all the concessions. This claim is false.

The US is giving up something of profound importance—it is losing its ability to aid people anywhere in the world. The US has enormous power, due to its economic leverage. Although the US has been losing this power for years, the Chinese regime is unaware. The power to bring China to its knees exists; Beijing recognizes this fully, even if the US does not.

The annual renewal of China's "driver's license" for entry into the WTO and the World Bank will place limits on China which will amount to little, for multinational financial institutions are woefully inadequate to take over the responsibility of the US Congress. It may not follow the US lead in any event.

Framing the debate on WTO and PNTR as "keeping the door open" is misleading. America's door is open. The door to China is only half-open. However, the Chinese people have learned that they lack the rights other people enjoy. If this were not so, the enormous outflow of Chinese people is known as the 1989 Tiananmen movement would never have occurred. Yet the door to China remains and will remain half-closed, because that is the way to retain power under tyranny.

Trade alone simply cannot open the rest of China's door. If the US Congress grants PNTR now, it legitimizes this half-open/half-closed status. To certify Communist China as "normal" in its abnormal state would deprive reformers within the government of needed pressure to push for change.

The claim that PNTR gives American access to the "vast Chinese market" is specious, because it does not exist. Simply put, we cannot compete in the so-called great Chinese market" without first the rule-of-law being instituted, as President Lincoln put it, "by a government of the people, by the people, and for the people.

In fact, the multinational business community is making an unholy alliance with Chinese tyranny. The Communist government uses brutality to subjugate Chinese workers while U.S. corporations use the threat of moving their businesses to undercut American workers' demands. Businesses in China's neighboring countries—Japan, South Korea, Thailand, Taiwan, and Hong Kong—will use "slave labor" to China to flood the U.S. market.

Proprietary propositions for most workers in Asia and America, but especially for China's. The business community should not be so compliant, because Chinese tyranny speak kind of Chinese people's anger against them toward the outsiders.

The majority of pro-democracy organizations are against PNTR, yet a few prominent individuals are doing everything they are able to gain the support of their captors? The answer is not much. We simply cannot take the current opinions of those who have long been in the grip of a tyrannical government.

Those who have experienced brutal oppression and insidious threats understand their quandary. We can, and must, express sympathy for their deplorable and excruciating plight. Some criticise us at their peril, but at the same time, the US should continue its principled support for those who resist the Chinese regime's attempts to silence them.

Still, the basic principle against PNTR is very simple: ifPNTR is granted, the US surrenders its power to be a force for positive change in China—its power to demand respect for human rights, to deter China's increasingly aggressive military posture, and as well, to compel the regime to live up to its economic promises. How can we justify all this when

The annual renewal of China's "driver's license" for entry into the WTO and the World Bank will place limits on China which will amount to little, for multinational financial institutions are woefully inadequate to take over the responsibility of the US Congress. It may not follow the US lead in any event.

Framing the debate on WTO and PNTR as "keeping the door open" is misleading. America's door is open. The door to China is only half-open. However, the Chinese people have learned that they lack the rights other people enjoy. If this were not so, the enormous outflow of Chinese people is known as the 1989 Tiananmen movement would never have occurred. Yet the door to China remains and will remain half-closed, because that is the way to retain power under tyranny.

Trade alone simply cannot open the rest of China's door. If the US Congress grants PNTR now, it legitimizes this half-open/half-closed status. To certify Communist China as "normal" in its abnormal state would deprive reformers within the government of needed pressure to push for change.

The claim that PNTR gives American access to the "vast Chinese market" is specious, because it does not exist. Simply put, we cannot compete in the so-called great Chinese market" without first the rule-of-law being instituted, as President Lincoln put it, "by a government of the people, by the people, and for the people.

In fact, the multinational business community is making an unholy alliance with Chinese tyranny. The Communist government uses brutality to subjugate Chinese workers while U.S. corporations use the threat of moving their businesses to undercut American workers' demands. Businesses in China's neighboring countries—Japan, South Korea, Thailand, Taiwan, and Hong Kong—will use "slave labor" to China to flood the U.S. market.

Proprietary propositions for most workers in Asia and America, but especially for China's. The business community should not be so compliant, because Chinese tyranny speak kind of Chinese people's anger against them toward the outsiders.

The majority of pro-democracy organizations are against PNTR, yet a few prominent individuals are doing everything they are able to gain the support of their captors? The answer is not much. We simply cannot take the current opinions of those who have long been in the grip of a tyrannical government.

Those who have experienced brutal oppression and insidious threats understand their quandary. We can, and must, express sympathy for their deplorable and excruciating plight. Some criticise us at their peril, but at the same time, the US should continue its principled support for those who resist the Chinese regime's attempts to silence them.

Still, the basic principle against PNTR is very simple: if PNTR is granted, the US surrenders its power to be a force for positive change in China—its power to demand respect for human rights, to deter China's increasingly aggressive military posture, and as well, to compel the regime to live up to its economic promises. How can we justify all this when
but you have no access to prescription drug coverage, there is no miracle in that miracle cure. If you are an elderly gentleman in the same position, there is no miracle in the miracle cure for you. That is the same with the disabled in this country.

Mr. Speaker, I would like to now yield time to my friend, the gentleman from North Carolina (Mr. Burr), who has been working with me and other members of the Committee on Ways and Means to craft this proposal that we hope to have introduced in the very near future.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. Burr).

Mr. BURR of North Carolina. Mr. Speaker, I thank my good friend from Pennsylvania. The gentleman makes a good point, and that is that if Medicare were a program that we developed today, certainly drug benefit would be part of the coverage given the access that drug benefits have to private sector plans that every employer offers to their employees. But the fact is that in the 1960s, that was not a common part of health care coverage, because very few new pharmaceuticals hit the marketplace, and most of the antibiotics were around for years and years. We worked to reform the Food and Drug Administration, and we started in 1995 and we completed that task, I believe, in 1997, and we made sure that the agency that controlled 25 cents of every dollar.

The reason that we modernized the Food and Drug Administration was we understood the great task that was before them. The FDA is an industry that this year will put $21 billion, and that is with a “b,” into research and development. We understood that if we could unleash this industry as the human gene was mapped, through these tools of knowledge that we could find cures to terminal and chronic illnesses that currently in our system today we treat and, at best, maintain through a very expensive delivery system. But we owed it to the system to make sure that the private sector invested their money, their time, to hopefully find these breakthroughs.

Now, we are on the verge of breakthroughs. This year alone, the FDA will approve over 30 new drug applications. Not every one of them will be a big contributor to savings or quality of care, but we are clearly on the road to new therapies that we have not had in the past.

Mr. Speaker, let me say to my colleague that I think it is important that, when we talk about adding a drug benefit to Medicare, most people think of seniors. But we have a large group of disabled Americans who qualify for Medicare benefits. We cannot do a program that leaves them behind. Everybody that is eligible for Medicare has to be included under the umbrella for pharmaceutical coverage. It has been very challenging for us as we have designed a program also to make sure that it dovetails with the 14 States that currently offer it.

Pennsylvania is a great example. It probably has one of the most generous plans in the Nation.

Mr. GREENWOOD. Mr. Speaker, we have 300,000 participants in our program.

Mr. BURR of North Carolina. And I think it goes up to 225 percent of poverty.

Mr. GREENWOOD. All supported by our lottery.

Mr. BURR of North Carolina. Mr. Speaker, I am calling on the gentlemen from North Carolina (Mr. Burr), Mr. Speaker.

Mr. Speaker, we have 300,000 participants in our program.

Mr. Speaker, we have 300,000 participants in our program.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. Burr).

Mr. BURR of North Carolina. Mr. Speaker, I thank my good friend from Pennsylvania. The gentleman makes a good point, and that is that if we could unleash this industry as the human gene was mapped, through these tools of knowledge that we could find cures to terminal and chronic illnesses that currently in our system today we treat and, at best, maintain through a very expensive delivery system. But we owed it to the system to make sure that the private sector invested their money, their time, to hopefully find these breakthroughs.

Now, we are on the verge of breakthroughs. This year alone, the FDA will approve over 30 new drug applications. Not every one of them will be a big contributor to savings or quality of care, but we are clearly on the road to new therapies that we have not had in the past.

Mr. Speaker, let me say to my colleague that I think it is important that, when we talk about adding a drug benefit to Medicare, most people think of seniors. But we have a large group of disabled Americans who qualify for Medicare benefits. We cannot do a program that leaves them behind. Everybody that is eligible for Medicare has to be included under the umbrella for pharmaceutical coverage. It has been very challenging for us as we have designed a program also to make sure that it dovetails with the 14 States that currently offer it.

Pennsylvania is a great example. It probably has one of the most generous plans in the Nation.

Mr. GREENWOOD. Mr. Speaker, we have 300,000 participants in our program.

Mr. BURR of North Carolina. And I think it goes up to 225 percent of poverty.

Mr. GREENWOOD. All supported by our lottery.

Mr. BURR of North Carolina. Mr. Speaker, I am calling on the gentlemen from North Carolina (Mr. Burr), Mr. Speaker.

Mr. Speaker, we have 300,000 participants in our program.

Mr. Speaker, we have 300,000 participants in our program.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. Burr).

Mr. BURR of North Carolina. Mr. Speaker, I thank my good friend from Pennsylvania. The gentleman makes a good point, and that is that if we could unleash this industry as the human gene was mapped, through these tools of knowledge that we could find cures to terminal and chronic illnesses that currently in our system today we treat and, at best, maintain through a very expensive delivery system. But we owed it to the system to make sure that the private sector invested their money, their time, to hopefully find these breakthroughs.

Now, we are on the verge of breakthroughs. This year alone, the FDA will approve over 30 new drug applications. Not every one of them will be a big contributor to savings or quality of care, but we are clearly on the road to new therapies that we have not had in the past.

Mr. Speaker, let me say to my colleague that I think it is important that, when we talk about adding a drug benefit to Medicare, most people think of seniors. But we have a large group of disabled Americans who qualify for Medicare benefits. We cannot do a program that leaves them behind. Everybody that is eligible for Medicare has to be included under the umbrella for pharmaceutical coverage. It has been very challenging for us as we have designed a program also to make sure that it dovetails with the 14 States that currently offer it.

Pennsylvania is a great example. It probably has one of the most generous plans in the Nation.

Mr. GREENWOOD. Mr. Speaker, we have 300,000 participants in our program.

Mr. BURR of North Carolina. And I think it goes up to 225 percent of poverty.

Mr. GREENWOOD. All supported by our lottery.

Mr. BURR of North Carolina. Mr. Speaker, I am calling on the gentlemen from North Carolina (Mr. Burr), Mr. Speaker.

Mr. Speaker, we have 300,000 participants in our program.

Mr. Speaker, we have 300,000 participants in our program.
result is that they end up in the hospital. When they end up in the hospital, we have a greater cost to our Medicare system than the $100 prescription that they should have taken for 2 weeks.

Mr. GREENWOOD. For the first time, I believe that the Congressional Budget Office recognizes there is a savings to making sure that everybody has a benefit. The gentleman and I went through the expansion of Medicare coverage several years ago when we were looking at mammograms, PSA's for prostate cancer, and diabetes daily monitoring, and we now cover those under the normal Medicare coverage. But it took us a long time to convince people that it was actually less expensive to supply a daily monitoring strip for diabetics than it was to pay for amputation or blindness. Put the quality of life aside for a second; the sheer dollars were more beneficial. Bring the quality of life in; and clearly, this is something that we can do now.

Now, we are talking about the expansion of an area of Medicare which will give us a new treatment method for the major health problems that seniors and the disabled run into, where hopefully, we can eliminate the hospital stay. Hopefully, this is a method of treatment where an individual can take it at home, and we do not have the hospitalization fees that are a problem with many seniors. Clearly, this is a benefit that we have a responsibility to find a way to get it into law.

Mr. GREENWOOD. Mr. Speaker, there is no reason why we cannot do that. It is so easy in politics to point fingers and bash the other guy for political gain, but the fact of the matter is that the gentleman and I have both discovered that all of the intelligence does not lie in one party or another. I am in Washington, it is not all in the House or all in the Senate. It is not all in the Congress or all in the White House. But in fact, there are good, decent thinking people in all of those places that really want to get this job done.

To the extent that we can recognize that we have some different ideas, some people want to go strictly to a price control mechanism, some people want to attack the issue of what happens when one goes across a border to Canada or Mexico, some people, as the gentleman and I do, want to create an insurance model where we think for a very reasonable amount we can create a system where every American, regardless of income, will be able to afford this benefit, and from a least cost, the Federal Government would pay for all of it.

Mr. BURR of North Carolina. Mr. Speaker, let me make this point here. A voluntary plan, a plan where we create the benefit and say to the 38 million seniors and eligible disabled, it is your choice. If you currently have coverage that was extended by an employer in your retirement, you do not have to, you do not have to buy into the Federal plan. It is an option. It is a vast difference in approach from the catastrophic debate of 1993 or 1994 when we, or it may have been earlier than that, when we asked seniors to pay more for something they were already getting for nothing.

Mr. GREENWOOD. They were not very happy about that. We all remember Chairman Rostenkowski's car being rocked by a group of seniors because the Congress was saying is that if you already have this benefit, we are going to make you pay for it anyway. As we said earlier, two out of three beneficiaries already have some kind of coverage.

Mr. BURR of North Carolina. One thing that we learned is that not every employer planned for their retirees' coverage. It may cover a very narrow set of generics or certain areas of the drug industry. We have designed this, Mr. Chairman, for the employers, if you made a promise to retirees, why do you not look at this new plan which might be better coverage and less money and buy your employees, pay the premium for them to be a part of this, supply the deductible for them. Let them be part of a larger plan where we really leverage the volume of individuals in the Medicare plan by pooling them all into these private sector entities, companies that are willing to create different options because of the size of the pool they are interested in participating, interested in designing a benefit package that might fit the different health care needs.

Mr. GREENWOOD. Mr. Speaker, our staff, and we and our staffs, have been working very hard at this for a long time. The goal is clear, but the way to get there is complex and it is difficult and it requires some very complex calculations about if we raise the eligibility level, for which the Federal Government will pitch in, what does that do to the cost, and where can we put the stop loss benefit for the insurance industry so that it is willing to sell the product at a price that everyone can afford. That is complicated stuff. But we can get there, and we can get there working across the aisle; we can get there working with the White House.

I would hope that anybody watching C-SPAN this evening would take from listening to us this evening that number one, it is time to do this; number two, the country is financially in a position to do it; number three, there is universal desire and commitment to do it in Washington.

Number four, it is complex.

Number five, anyone who demagogues this issue is really doing a disservice to the country.

I have heard so many speakers, unfortunately on this floor, pointing fingers at one party or the other saying their plan is better than ours or our plan is no good or nothing is being done, or I distrust the motives; I think this special interest is being served or that special interest.

I would hope that as this debate moves on and as we hopefully get to the point where we are conducting on the President's desk and that hopefully he will sign it, that those who are frequent callers to C-SPAN, for those who are frequent correspondents to their Members of Congress or phone members of Congress, that they call to task any Member of Congress or the President, if they see those Members or those politicians try to take political advantage on this issue. This is not the time to do this. This is the time for bipartisanship. This is the time for putting our heads together and getting something good done for the benefit of the country, and I think we can do that.

Mr. BURR of North Carolina. I have to think that if an administration that is Republican and a Congress that is Republican can get together and be on the same side of a trade bill with the People's Republic of China, that surely a Democrat President and a Republican Congress could get together in a bipartisan way to design a benefit for the seniors and eligible disabled in America. Clearly, the trade deal has to be more difficult to put together. We know, because we are here, that it is not partisan. There are Democrats on the one side and Republicans on the other side, and there are Republicans and Democrats on the other side, and at one time the administration was split. To some degree, it is regional across the country.

Health care is not regional. Health care is something that we ought to make sure is the best for every person who is eligible.

One of the additional tasks that we were given, though, is not only did we have $40 billion to work with over the next 2 years, we were given that task that says make sure that the long-term solvency of Medicare is protected. Make sure whatever is done does not bust the bank down the road. We know, as seniors know probably more than we do, that health care costs, specifically pharmaceutical costs, are rising. If they have 30 new drugs next year and 11 of them are targeted toward illnesses that seniors are prone to have, we know that our pharmaceutical cost is going to continue to rise; and hopefully, we have taken that into account. That is one of the reasons that we have chosen the private sector to produce the plans because clearly they have a better history of the efficiencies in health care that does the Health Care Financing Administration or any Federal agency, and I would include Congress in that as well.

Mr. GREENWOOD. If I can refer to the last point here, it is being referred to the difference between us and the seniors, and despite the color of my hair I am hoping to continue to be able to see that difference between myself or myself.
and my parents. And yet if we look at this chart, we will see that in 1999, and this is probably very much the case now, medication is used by about 33 percent of seniors today. So about 1 out of every 3 beneficiaries needs a drug plan on a regular basis.

By the time this gentleman is about 80 years of age, and I expect to be alive and kicking at that time, 51 percent of the seniors, of our generation, will be medication dependent. So this is not an issue in the future only for those who are above 65 years of age today or who are retired. It is an issue for us because they are our parents today. We love them, and we care about them. But it is also an issue because in the relatively near future it will be, the gentlemen and I, in our retirement, very much not only in need of these prescription drugs but having available to us prescriptions that certainly are not available to our parents today.

Mr. BURR of North Carolina. One thing that I think we can see is that anything that we do in the Medicare model is usually replicated at some point not too far down the road in the private sector plans that employers provide for their employees.

I know the gentleman is familiar with a frustration that we have had over the years in Medicare, which is their policy as it relates to organ transplants for seniors. Under any organ transplant in the world, the recommendation is that the recipient takes an immunosuppressant drug for the rest of their lives to make sure that the rejection of the organ does not take place, but our current policy in Medicare is that we will pay for the immunosuppressant drug for a 3-year period after the transplant.

It is an amazing thing that when seniors go off of the drug, because the cost is high, that maybe in the 4th year or 5th year or 6th year they begin to reject it. So what is it that is causing the Medicare policy in Medicare? When we will actually pay for another transplant, but we will not pay for the immunosuppressant drug any longer than 3 years.

So it really does make a lot of sense why we are here today talking about a drug plan that even some of the entities that oversee Medicare are not enthusiastically out front leading the parade saying we have to have this benefit and it needs to look like this. Because what we are not making clear is what is the Medicare policy in Medicare? We will actually pay for another transplant, but we will not pay for the immunosuppressant drug any longer than 3 years.

So if this were a company we were at work and we were trying to do long-term planning, what would we look at some of the things down the road that we knew were going to happen and we would try to address those as early as we could so, in fact, the impact was more predictable, our options greater, the cost was less. That simply is what we are talking about doing with the drug benefit in Medicare.

We know that the senior population will double over the next 15 years. We know that pharmaceutical costs are going to continue to rise, in part, because we have the gold standard in the world in the FDA of drug approvals. We know when drugs come through that they have passed the safe and efficacy standards. That does not mean that we do not have some after-market approval problems, but hopefully we have an FDA that is on top of that and monitoring it and getting a lot better.

The reality is that as we see the population increasing, as we see the cost of drugs increasing, is not the smart thing for Congress and the administration to do this year to pass a drug benefit to watch that benefit to make sure that in fact it is the type of benefit that seniors need; that it has the cost and the controls that we know we have to have for the long-term; that we begin to accumulate some information about whether we have chosen the right option up front before the senior population doubles, in cases we guessed wrong, and whether and the government can go back and change the way the benefit is offered or how the benefit is paid for while the size of that senior population is 38 million versus when it becomes 70 million and our options are so few.

Mr. GREENWOOD. That is an issue for our children. How they are going to be able to pay for the costs of our retirement. This issue gets complicated, and I know some of the viewers across the country watching this tonight are maybe trying to decipher all of this language and sometimes we in Washington use language that is a little difficult to decipher, and try to give some perspective as to how different folks around the country might see this.

First off, if one is retired now or soon to retire, and they have a good prescription drug benefit because they work for an employer, a government employer or a large Fortune 500 company, they provide coverage, and they are in pretty good shape, they do not need to worry about this because they are not going to be forced to buy anything they do not need. They are in good shape.

If that changes at any time, we think we are going to create some products in the market that they want to avail themselves of but no one is going to force anything on them. If they are retired or disabled today and they are one of the three that does not have access to a prescription drug benefit, what we are saying to them is we are going to create some products and we are both available to them and one that they can afford. And we think we can do it very soon.

If they are not in low income, if they are at that 135 to 150 percent of poverty level and they do not already qualify for Medicaid or a State-run lottery program, the Federal Government will pay all of their premium. So this is really a great benefit for them. It is a cost and it is real coverage and they do not have to wait until they get some catastrophic level. It is there.

If, on the other hand, they do not have the coverage or they expect that by the time they retire they will not have the coverage and they are middle- or upper-income, they just want access to it, they just want to find something they can afford, we think that somewhere at a cost of around $50 a month, a Medicare or a State-run plan will be able to buy this coverage just like they do now, through their part B premium, pay for the extra coverage to go to the physician and the outpatient care and so forth.

So from many of those perspectives, it is a good deal.

Let me make one other comment before I yield back to the gentleman. If one is a taxpayer out there and they are looking at this saying, yes, it is a great benefit for them. But how is Congress going to extend drug coverage; but we do not want to see the budget broken again, it has been broken before. This is not free drugs for all, this is a prudent, affordable plan that tries to make it affordable at the low-income level and make it affordable at the middle and upper-income level with those folks contributing something out of their pocket so that they understand this is a shared responsibility between the Federal Government and the Medicare beneficiary. The gentleman is exactly right, and I think for the average American who watches the nightly news or reads the morning
paper, they would probably go away from that news show or from that article in the paper thinking, my gosh, Republicans are over here and Democrats are over here as to who they are trying to help, and the reality is that we are both right here.

We are targeting the same people who do not have an annual income that is big enough to afford housing and food and health care costs, where we are going to supply a government subsidy. We are looking at a group right above the poverty line where we are trying to figure out how can we do some type of phase-in subsidy to help them?

Then we are looking at the group above that saying they are not all high income, but they have the capabilities to buy into a plan to have coverage.

The discrepancies between the plans that are being floated in Washington are not about who is being covered. We are using the same $40 billion pot of money. It may be configured slightly differently. The President gives a subsidy to everybody on the front end. He lowers the price of everybody’s premium so it is more attractive. We choose to have a market value on the premium, and we go to what we refer to as the stop loss, a certain dollar amount on an annual basis where we say to a senior if they reach this, if they really get sick and they reach this point, they do not have any additional cost past that. Their plan picks up 100 percent of it. There is no co-insurance. There is no copayment, once they reach that point.

The President’s plan does not do that. He subsidizes the premium costs. We subsidize the high risk so that, in fact, we can say to seniors and disabled who are eligible for Medicare they will never lose everything that they have because in any given year they have a significant illness.

I think that is the role of the Federal Government. That is the definition of a safety net. When things get tough, they are there. What we have tried to do is design a plan that says let us put value, let us be honest on what the cost is, let us give people confidence in who they deal with, which is usually not the Federal Government, that is why we chose the private sector, and let us say at what point their exposure stops, at what point do they reach where they do not have any additional costs.

To some degree, it is criminal for us to ever present a plan that would suggest to individuals when they really get sick and they exceed a certain amount, that the burden falls 100 percent on them, when they have reached that point where they might have 100 prescriptions filled in a year. That is when they need us to kick in.

We are trying to design a plan that gives the coverage underneath and security underly, but more importantly, security for what is unexpected. We know in health care that happens many times.

Mr. GREENWOOD. Mr. Speaker, security is what all seniors want. It is what we will want when we are seniors, and that is the security, the peace of mind to know that I do not have to worry about whether I can afford the drugs that my doctor says I need. That is as simple as that. I do not have to worry about whether I can afford the drugs, the medicines that my doctor says I need. That is what we ought to be about providing for Americans.

Mr. BURR of North Carolina. Mr. Speaker, the gentleman from Pennsylvania is exactly right. Let me take this opportunity in closing my part of this out to say, for the first 5 months, there has been a tremendous amount of work by the administration, but by Democrats, a tremendous amount of work by the administration and by Congress to try to figure out what the right plan is, to try to figure out exactly what the benefit should look like and what value we can extend to seniors under a drug benefit.

Will it be perfect? No. But there is no substitute for the commitment of this institution to say we need it and not do it. That is what we have to do. That is what we have to do.

But the bottom line is that we can do it. We can do it as Republicans. We can do it as Democrats. We can get the job done, and we can get the job done this year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair reminds all Members that debate should be addressed to the Chair and not to the viewing audience.

STOP RISING PRESCRIPTION MEDICATION COSTS FOR SENIORS

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 came before this body about a month ago to address the problem of prescription medications, which my colleagues were addressing. I pledged at that time to go back to my district and carry the voices of the people of my district back to this House.

What we did was we visited senior citizen centers; and we asked the people there, please share with us your
Mr. Speaker, the issue of Israeli recognition of the Armenian Genocide received extensive coverage in an article that appeared in the May 12, 2000, Internet edition of the Jerusalem Post titled "A Tragedy Offstage No More," by Leora Eren Frucht.

As the article noted, "When Hitler ordered his death units to 'exterminate without mercy or pity, men, women and children belonging to the Polish-speaking race,' he was confident that the world would overlook the mass murder. 'After all,' he asked rhetorically on the eve of the 1939 invasion of Poland, 'who remembers the extermination of the Armens?' By the time that the Nazis were finally stopped 6 years later, 6 million European Jews had been murdered, as well as millions of other innocent victims of other nationalities.

Mr. Speaker, the Armenian and Jewish peoples are united in a common bond of suffering and in the struggle to overcome the tragedies of the past. While they were being massacred in unthinkably numbers, Armenians in the Ottoman Turkish Empire during World War I and European Jews during World War II, most of the rest of the world was looking the other way, although many knew what was happening.

Mr. Speaker, the Armenian and Jewish peoples built the State of Israel into a prosperous democracy, despite being surrounded by hostile neighbors. Since the collapse of the Soviet Union in 1991, the Armenian people have worked to build democracy and economic reform in the Republic of Armenia, despite being surrounded by hostile neighbors.

One of the hostile neighbors who has threatened Armenia since its independent decade ago is Turkey. It was, of course, in the territory of the present-day Republic of Turkey and in the name of Turkish nationalism that the genocide against the Armenians took place during the waning days of the Ottoman Empire. Yet Turkey continues its unconscionable official policy of denying that the genocide ever took place. In today's world, Turkey, a member of the NATO alliance, continues to blockade its much smaller and more vulnerable neighbor, Armenia, despite Armenia's standing offer to normalize relations without pre-conditions.

In the aforementioned Jerusalem Post article, Turkey's official policy of denial was described as "outrageous" by Deborah Lipstadt, the American historian who defeated Holocaust denier David Irving in a highly publicized libel trial in London court last month. Professor Yehuda Bauer, academic director of Yad Vashem, Israel's Holocaust memorial, stated, "If you accept the U.N. 1948 definition of genocide, which we and many other nations have done, then there can be no argument about calling this a genocide," referring to Armenia.

Yet the decision by Israel's education minister was a difficult one. Israel has been working to steadily improve its relations with Turkey at the same time that Israel worked to build democracy and economic relations with Armenia. Mr. Sarid's decision on including the Armenian Genocide in the Israeli curriculum prompted an outcry in Turkey that included a protest to Israel's charge d'affaires in Ankara.

Indeed, Mr. Speaker, Turkey frequently has shown its willingness to play hardball to intimidate other nations into not recognizing the Armenian Genocide. When the National Assembly in France adopted a bill in 1998 to acknowledge the genocide, Turkey promptly suspended the signing of a $145 million defense contract.

Mr. Speaker, $145 million defense contract.

May 23, 2000

CONGRESSIONAL RECORD—HOUSE

Mr. Speaker, I want to cite a letter dated May 22, 2000 that the
Armenian Assembly of America has received from Israeli Education Minister Yossi Sarid, and I quote, “I fully intend to allow Israeli pupils to learn the lessons of your tragedy, which is ours and the world’s, as well. Israelis are the last people who can afford to forget the tragedies of this magnitude.”

THE MILLION MOM MARCH AND SETTING AGENDAS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker’s announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating the Million Mom March. The Million Mom March took place on May 14. I think the moms marching had a lot to do with our agenda here in Congress today and the setting of the agenda for the rest of the year. I just hope that the moms realize that their power, the power of mothers marching, is great enough to have an impact and an influence on what we do here, in many ways.

Their immediate objective was gun control, but there are many other items that I would like to see placed on their agenda. I would like to see the mothers set the agenda for what is going to happen here in Washington in the next few months.

Mr. Speaker, there is a secret, almost a secret, that nobody wants to talk about that I think the million moms and the fathers too ought to be concerned with and should be discussing. Fathers as well as mothers, and all of us, are concerned about the future and concerned about the Nation’s future as it impacts upon our immediate children and our grandchildren. We want to see a greater America, we want to see a better quality of life because we have a golden opportunity here in this United States of America right now with the surplus of $2 trillion over the next 10 years as a possibility. It is possible that we may have a surplus of $2 trillion.

This year’s surplus is definitely, by the most conservative estimate, going to be about $200 billion, $200 billion this year, and it will probably be no less than $200 billion for the next 10 years. I think it is important for the moms and the fathers, we ought to know about that. I think they ought to be involved in a discussion of what happens with that $2 trillion over the next 10 years to impact upon their lives and their children’s lives.

I think the most comprehensive, the longest and the loudest discussion ever held in the history of our democracy should focus on this window of opportunity that we have at this point. We started the debate today on permanent trade with China. The relationship with China is relevant here in terms of the fact that some of us believe that the trade with China agreement will have a great impact on the working families of America because it is going to take away many of the jobs that people at the lower levels have.

Trade with China is definitely going to be as bad or far worse than the trade agreement with Mexico, which immediately began to drain away certain manufacturing jobs. China is so much bigger. China’s economy is controlled and manipulated, and the likely danger that our economy will be greatly impacted by a greater than anything that happened in the case of Mexican cheap labor destroying jobs in America.

The question is, what does all this have to do with the million moms marching? What does it have to do with the setting of the agenda here in this Capitol for the next few months? What does it have to do with the $2 trillion surplus we expect over the next 10 years? It all comes together because we lose sprawl, and they are going to fly away to China, inevitably corporations will pick up and they will go to places where the cheapest labor market is, where there are 25-cent-an-hour workers in China, where in some cases they operate.

Already our economy and our stores are flooded with goods from China because everybody can make a killing. Companies can go and manufacture goods at dirt cheap prices and then come back into our advanced economy and sell them at very high prices, relatively speaking, and make a big profit. So no industry, no corporation is going to back away from the opportunity to make huge profits. They will be chasing dollars at the expense of the loss of many jobs.

So, what is one of the possible answers to the problem that will be created if the people who want to pass the trade bill prevail? The rumor is that they have enough votes and they will probably prevail tomorrow and there will be a China trade agreement? There will be a huge loss of jobs. A country that has 1.2 billion people has so many corporations in that country and they want to get those customers. But before they get to the customers, they have a lot of workers who need jobs and who will work for almost nothing and will undercut the workers here in this country.

So one possible answer immediately is in the same breath that as we create jobs in China, as we lose jobs here and create more jobs in China, let us reconsider the H-1B section of the proponents of the China trade bill have made, and that is that, yes, we will lose jobs in manufacturing; yes, we will lose jobs at the lower level of the economy, but we will gain tremendous jobs in the high-tech industry. We are going to take off where a new boom, a new surge in the sale of PCs and in the sale of services to established Web sites and all of the telecommunications, high-tech technology that is necessary. We will be the suppliers of that.

It may be true that for a while there will be this great surge of need in the high-tech industry and will undercut the workers here in many ways.

I do not know of any place where there is any legislation on the drawing board which says we are going to have a massive emergency training program for the workers who lose their jobs as a result of the China trade bill passing. In the long run, however, we do talk and have talked about revamping our school system, improving the way we educate young people, so that in the long run, all of the workers who are in school now will get an education which allows them to fill those high-tech jobs. And at least the China trade bill will not take away jobs in the future because the young people will be able and capable of stepping out of school and commanding the jobs that do exist in the high-tech industry.

They predict that there may be as many as 1.5 million job vacancies in the high-tech industry in the next 5 years because of the workers who are not training enough people in computer sciences and related sciences in our colleges so that vacancies are going to be there. So our schools, then, must rise to meet the occasion and prepare youngsters for these guaranteed jobs.

In the absence of any special education effort, what we are doing is going abroad. And one item that is going to be on the agenda in this Congress in the next few months is the H-1B program. The H-1B section of the immigration law allows us to bring in foreigners to fill the vacancies that are created in the high-tech industry. And primarily that is the target. They are not bringing in these people for anything else. The great need is in the high-tech industry, information technology industry. So what we did not train our youngsters for in the past, will now be taken care of by foreigners. And that will keep going.

How are we going to deal with the vacuum created by the movement of manufacturing jobs to China if the only source of the manpower to fill the
York Times editorial on May 14, which to try harder to have an impact on the policies that are made here in Washington, on the bills and the legislation that come to this floor. Mothers should have an impact.

I congratulate the mothers for understanding the relationship between their marching and the possibility of making their schools safer, of making their neighborhoods safer, of ridding our society slowly of a menace that has grown over the years because mothers have not been active in attempting to end that menace. We have more than 200 million guns in our society. Those guns out there are menacing, turning over, accessible to our children. They recognize that and their immediate focus in marching here on May 14, Mother’s Day, was to deal with the menace of the gun, the immediate threat to the lives of children.

I think that is appropriate, and I congratulate them for focusing on something very concrete. It is possible to get some results if the mothers stay organized. It is possible we will get some basic legislation passed, which will make the world of our children safer with respect to guns. We have very limited objectives this year, and we ought to be able to meet those objectives.

But beyond that, mothers need to set a larger agenda. I think that The New York Times certainly had it right when they said that perhaps the best fate for the holiday, Mother’s Day, would be to make Mother’s Day again a day of open activism as they did on this May 14. Mother’s Day has a rich and interesting history, a very interesting history.

People say it is very unusual, very nontraditional, very unorthodox to have mothers marching on Mother’s Day, May 14. In my community, there were large numbers of mothers who thought it was an insult. We did have one bus load of mothers who came from my district. They actually left the city from my office, and they were mothers mostly of children who had been injured or killed by guns. There are the large numbers of other mothers who were really more traditionalist and said, no, I am not ready yet.

But I think I would urge all mothers to rethink the possibility that Mother’s Day should be a day of activism, and maybe fathers should take note too and make Father’s Day a day of activism. If we care about the next generation, our children, our grandchildren, one of the ways we should express our concern for their survival is to try to have an impact on what happens in our government.

Now, let me just read from The New York Times editorial on May 14, which I thought was very appropriate, where they applauded the activism on Mother’s Day. “No matter how simple it looks, Mother’s Day is a complicated holiday. It has its roots in mid-19th century women’s activism, championed first in 1858 by Anna Reeves Jarvis and then in 1872 by Julia Ward Howe. Their causes, honored locally on various mother’s days in mid-spring, were improved sanitation, first aid, and world peace.”

“Perhaps the best fate for this holiday would be to make it again a day of open activism, as it was for the women marching on behalf of gun control in many cities across the country today. Not everyone believes as Jullia Ward Howe did, that if mothers could only come together somehow, world peace would ensue. But the second Sunday of every May could come to symbolize a powerful reality of contemporary American politics. Women united behind a cause can be a powerful force for progressive social policies, better child care, broader health coverage and fully equal opportunity for them and their children.” That was the New York Times editorial of May 14, the year 2000.

Mr. Speaker, I ask unanimous consent to enter the statement in its entirety in the RECORD.
H3628

CONGRESSIONAL RECORD—HOUSE

May 23, 2000

from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales.

This is a very limited, very practical, very reasonable agenda of the mothers who came here on May 14. They are asking for very little. I think it is possible that if they still organize they could gain this. I will just reread what can be the summary of what they came for.

The marchers offered a sound agenda, ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales. That is an agenda that mothers set to make their children safer in a very immediate and practical way.

The editorial of the New York Times on May 15, the day after the march ends as follows: “It is not yet clear how the gun control issue will play out politically. Large crowds are expected to converge on Washington on May 23, 2000 to turn the event into a sustained political movement.

“Many speakers held this as a historical turning point in the gun control struggle, but it will only become so if the pressure on Congress to pass the modest but useful gun control measures that remain blocked in a conference committee and on candidates running in the fall elections to support strict gun control laws.

“The hands that rock the Nation’s cradles have the potential to rock its political institutions, but only if they keep rocking hard.” That is the conclusion of the New York Times May 15 editorial after the Million Moms March. The hands that rock the Nation’s cradles have the potential to rock its political institutions, but only if they keep rocking hard.

Mr. Speaker, I ask unanimous consent to submit the entirety of the New York Times editorial of May 15 into the RECORD.

[From the New York Times, May 15, 2000]

THE POWER OF MOTHERS MARCHING

The surge of energy was palpable yesterday as hundreds of mothers marching represented on the Mall in Washington to demand stiffer gun control measures—and additional crowds joined in the demonstration at other sites across the country. The event may not have reached the “million mom” goal set by some alliteration-loving promoters, but the turnout—estimated at more than 750,000 by the organizers—was nonetheless impressive, especially on a day traditionally devoted to family gatherings. There is real hope that the seed planted by this march could blossom into a movement that could change the dynamics of the national struggle to achieve sensible gun control.

That possibility clearly has the National Rifle Association scared. It tried to neutralize the impact of the march in advance with advertisements in print and broadcast media denigrating the event and offering its own tepid alternative, a program to teach gun safety in every elementary school classroom in America. A full-page N.R.A. ad appeared in The Record the day before the march as “a political agenda masquerading as motherhood” and called it “shameful to seize a cherished holiday for political purposes.” It accused the organizers of a dil
genious complaint from an organization that regularly uses its lavish campaign contributions to seize the political process and thwart the will of the American people.

The marchers offered a sound agenda, ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales. By contrast, the solutions offered by the N.R.A. were laughably insufficient—safety education in the elementary schools, better parenting and better enforcement of existing laws, riddled as they are with loopholes. Those are all laudable goals but would not come close to stemming the epidemic of gun violence.

I am not going to get into that kind of scientific basis that is being attempted to establish the fact that mothers are more suitable for maintaining our civilization and that women are more suitable for maintaining our civilization. Now men, I would like to appeal to men to march also, since I was very much impressed, I was down here for the Million Moms March, and I saw that the organizers did they turned this traditional holiday into a temporary movement, and I was very impressed by the editors in The New York Times that call for the mothers to make the temporary movement a permanent movement.

I only say that the permanent movement should set a larger agenda; let the mothers set the agenda for Washington. Let the mothers set the agenda for the House of Representatives, for the Congress. Let them set the agenda for the end game negotiations that take place every budget year at the White House. There is going to be an end game negotiation where the decisions will be made about how to spend some of that surplus. Nobody wants to talk about it now.

The Committee on Appropriations process is moving forward with no discussion of the surplus. They are acting as if we are still in a period of desperate deficits. The Committee on Appropriations and the authorizing committees act that way in all cases, except one. Mothers need to know that last, last week mothers, we passed a defense authorization bill which was $309.9 billion. The authorization bill already was $21.1 billion greater than the amount spent for the last year on defense. However, the Republican majority added an additional $4.5 billion to the bill. So if you want to know where the surplus is likely to go, if you want to know what the temperament is and what the likely manner in which it will be wasted, you watch the defense budget. There is no great war on right now. There is no empire to defend our commitments. But it is the first place the extra money has been utilized.

H.R. 4205, the defense authorization bill, increases the defense budget to $399.9 billion. If we do not have the debate if you are considering throughout the entire country that there is a window of opportunity that right now we have an opportunity to use revenue that is available in constructive ways,
I do not say that the defense authorizations are not constructive. I just think they have enough money already before the additional amounts were added. There is plenty of money to meet the agenda. The defense and military establishment have set the legitimate agenda. I would like to see them expand the agenda and use some of the tremendous resources of the defense and military establishment to do more to help with disaster relief, disaster relief if it is a disaster relief issue anywhere in the world. We have this huge apparatus of equipment and men and knowledge and I think we ought to expand the mission of the defense to be a mission to help with natural disasters throughout the world.

We can spend the money well there, but even then they have too much money. At the same time that they are authorizing an additional amount for defense, the Republican majority and the Appropriations committees have led the fight to cut education drastically. Education has been cut, despite the fact that we no longer have a desperate deficit. We cannot argue, as they argued under the Newt Gingrich Contract with America, that they had to cut school lunches and they had to destroy the Department of Education, they had to cut Head Start, they had to deny increases in higher education grants, because we had a deficit, the country was on the verge of bankruptcy. That was the illusion that they painted. That was the picture that they painted.

The country is not on the verge of bankruptcy now. Why are the Republicans leading these tremendous cuts in education? Why at a time when we are opening trade with China, trade with China, which will draw out our manufacturing jobs, the jobs for entry-level persons who do not have an education? Why at a time like this are we going to cut back on the education budget? Yes, it is true the Federal Government only gives a small portion.

It provides a small portion of the education budget. Most of the education budget is provided by the States and by the localities, but the Federal Government’s 7 percent or 8 percent is a key amount, and the fact that it is only 7 percent or 8 percent is unfortunate. There is no reason why it could not be more.

The dogma has been over the years that the Federal Government should not spend more money for education, because we want to keep our schools under local and State control. But if there is only a 7 percent investment in the schools, there is certainly no way you are going to take over the schools. And if we increase the 7 percent investment from the Federal level to 25 percent, there still is only a 25 percent power, 25 percent of the power, the other 75 percent of the power would still be at the local and State level.

What is this great myth that more State, more Federal money would mean more Federal control? We need the money from the Federal Government to revamp our schools now. The window of opportunity is now while we have this great Federal surplus. There are some States that have some surplus. There are some cities that have surplus like the tremendous surplus that is being projected over the 10 years for the Federal Government.

There is no place where we are going to find over the next 10 years a project as large as education. Why not this year, $200 billion. So I think the mothers who marched here ought to know and ought to join the debate.

Mothers, keep the pressure on for gun control, but, mothers, if you want to save your children and want to allow them to join the 21st century revolution which moves into a kind of cyber-civilization, a digital world, where you have to have special skills, if you want all the children to be able to keep up with the rapid changes in our digital society, then we have got to have the education revamping now. We need to have an education now. We need the computers in the schools now. We need the teachers that know how to use computers to teach. We need many of the items that were cut by the Republican majority in the Committee on Appropriations.

At this point, I would like to read portions of a letter that was submitted from the National Education Association. It is headed by Robert Chase, who I heard speak a few months ago, and he talked about the fact that our schools have a great deal of needs operationally, but there are even greater needs in terms of the infrastructure. Our school buildings, our school equipment, our laboratories, there is a great need for an investment there. I want to congratulate Mr. Chase and the National Education Association, because following their statement of that need, they went out and they did an in-depth study, a thorough study from State to State of what the needs were for our school infrastructure. Infrastructure means buildings, it means gyms, it means laboratories and cafeterias, it means classroom space. That is what infrastructure means. In addition to infrastructure, they also studied needs in the schools, computers and the hookups you need for the computers in terms of wiring, et cetera.

So the National Education Association is certainly qualified and has earned the right to criticize the recent cuts that the Committee on Appropriations has made in the education bill. Let us remember now that the majority party, the Republican party, is the same party which 6 years ago proposed that we abolish the Department of Education. In an application that we did not cut Head Start, they proposed that we cut school lunches. They are not as bold and as open and honest in their assault on education now as they were 6 years ago, but here is an assault.

In this letter from the NEA, it states that the $1.3 billion in emergency grant and loan programs proposed by the President for school repairs has been cut from the budget, cut from the appropriations. They did not put one penny in to replace that. There is no school modernization and construction money in the bill that is passed out of the Committee on Appropriations, the subcommittee, by the Republican majority.

The possibility of reducing class sizes is cut down drastically when you do not have the classrooms, when you do not have the infrastructure improvements. The NEA study estimates that there are $268 billion in unmet school infrastructure needs. Now, we are talking about infrastructure, buildings, that are needed to service the enrollment right now. The population of the schools right now is being made to operate, and we are not talking about projections over the next 10 years of enrollment, we are talking about the needs right now. $268 billion is needed, according to the National Education Association study.

They have eliminated the Class Size Reduction Program, which was going forward without the extra classrooms. We started that last year by appropriating money for additional teachers. The assumption is if you have additional teachers, the ratio of pupils to teachers will be smaller in each class.

The problem is that if you do not have the classrooms, you can give money for more teachers, but there is no way to reduce the class size. In the case of New York City and a few other places across the country, they have put an additional teacher in the classroom. When you have young children in the elementary grades, a teacher at one end of the room and a teacher at the other end of the room trying to teach, the classes is definitely an adventure slated to not be successful.

Various other adaptations of the teaching takes place when you do not have the classroom space. But, nevertheless, I certainly support the program to have more teachers.

We wanted to put 100,000 new teachers in our classrooms over a 3- or 4-year period. The successful class size reduction program has already helped schools to hire 29,000 highly qualified new teachers. Just last November, Congress agreed on a bipartisan basis to continue and strengthen this critical program as part of the consolidated fiscal year 2000 appropriations bill. Elimination of targeted funds for class size reductions will not only jeopardize the already realized benefits but will prevent the schools from hiring an additional 20,000 qualified teachers to serve another 2.9 million children. We urge the
committee to restore funding for this critical program.

The Teacher Empowerment Act Block Grant, the subcommittee bill provides for $1.7 billion for a block grant consolidating the Eisenhower Professional Development Block Grant. Because the bill provides only a minimal increase above the current funding, schools seeking to hire additional teachers to reduce class size will have to do so at the expense of programs to recruit and train teachers. In other words, our agenda has major flaws that have folded in other programs into the money and into the program that was designed to get additional teachers.

Insufficient funding for the teacher quality programs, they have cut that also. They have frozen the funds for the critical Title I programs. The subcommittee bill not only eliminates targeted funding to help low-performance schools maximize student achievement, but the subcommittee bill denies additional reading services to 260,000 disadvantaged children.

Just last fall, the House passed a bipartisan Student Results Act setting the Title I authorization level at $9.85 billion, yet the subcommittee bill provides $20 billion below this level, something like $7.8 billion. So there is another cut in a critical program.

There is no program that has been more critical than Title I, which is a basic thrust of the Federal Government in elementary and secondary education. Title I provides funds to schools where the poorest youngsters are attending, and it is designed to enhance the school program with extra services.

They have eliminated $20 million for elementary school councils, frozen funds for bilingual school programs, refused to give additional funding for Head Start. All of this adds up to a hostile Republican majority attacking education again through the budget actions. Yet I am certain that there are many who discard this proposal right away as being too ambitious, out of harmony with what is practical and acceptable, but those of us who are Members of Congress know better. We authorized a $218 billion program for 6-year improvements for highways just a year ago, so $218 billion for highways over a 6-year period was not unthinkable. We can think big when it is necessary.

We have just increased the defense budget, as we said before, increased it to $309.9 billion. As we had an afterthought, we added $15 billion to last year's budget. The President had already added $21 billion to it. So we think big, and we think in the billions. There is no reason why we cannot think about $20 billion for education improvements in one year, especially if half of that goes toward construction.

School construction and infrastructure expenditures for wiring schools, for technology, et cetera, those are items that are going to be free up additional dollars so that the State and the Federal Government dollars, more of them can be spent on operational activities instead of capital budget activities.

That is a simple formula. The amount of money spent for construction is no threat to local control at all. It is an easy way to relieve the burden at the local level.

If these amounts seem too great, let me quote a number to the National Education Association study. The National Education Association study is very revealing because they conclude, as I said before, that we need $253.8 billion, about $254 billion, for infrastructure other than technology. They conclude that just for technology, we need $53 billion additional. They have mapped it out quite thoroughly. Unmet needs, school modernization funding, totals, when you add in all of that technology money together, $307.6 billion. They break it down in two areas, school infrastructure and technology.

School infrastructure means deferred maintenance, take care of that, new buildings, major repairs, retrofittings, additions to existing facilities, major improvements. The results would be that we would have to bring it up to par, spend that $254 billion that I spoke about.

Educational technology, they define that. A comprehensive definition of educational technology according to the NEA study is multimedia computers, peripherals, software, connectivity, networks, technology in front of equipment, maintenance and repair, professional development and support.

All of that goes into the physical needs for technology. They do not talk about training teachers. That was a different bill, and we still need that.

What does it all add up to in terms of the States? They break it down according to the needs of the States. One might be interested to know that at the very top of the States in terms of infrastructure needs stands the great Empire State of New York. New York, according to the National Education Association study, New York's infrastructure needs total $47.6 billion. New York has the greatest infrastructure, they call it unmet needs, greater modernization of unmet needs in New York, the infrastructure is $47.6 billion, technology is $3 billion.

According to the survey and the standards supplied by the National Education Association, the total need in New York is $50.6 billion to bring their schools up to par, to meet the needs of the 21st century in infrastructure and technology combined. New York is so bad off, they are in such terrible shape, that the second State in terms of need is about half that amount.

Now, California is the second State in terms of infrastructure need, technology need. California is number two. Even though California has a much larger population, their infrastructure need is only $22 billion, not even half of New York State's $47.6 billion. Their technology needs are greater. Because New York, according to the survey, has done more in terms of computerization than California, so the technology needs of California are $10 billion, for a total of $32,901,000. California needs construction which was $30,675,000. If I am talking big figures, these are big numbers. Let us not run away from them.

Do we know the cost of one nuclear aircraft carrier? We do not run away
from the cost of a nuclear aircraft carrier. It is more than $4 billion. Do we know the cost of a Sea Wolf submarine? It used to be around $2 billion. It has probably gone up by now. In weapons technology, the Star Wars, the missile defense systems and the problems we are going to construct, I think we added almost $6 billion more to play with that some more. We have spent billions of dollars over the years to get a missile defense against terrorism. We are willing to throw away additional money on that.

Common sense tells us that a terrorist does not need a long-range missile to throw a bomb into a crowded city, or to bring a bomb into a crowded city. There are many, many ways other than the firing of a long-range missile. So a system which is designed to stop long-range missiles where we have already spend hundreds of billions of dollars, we do not need to spend more billions of dollars. But my argument is that what will be thrown away will be thrown away. It will just be flushed down the drain, all of the surplus money, in one foolish project after another by policymakers who ought to know better, under pressures from lobbyists and from thousands and from hundreds of people who will make millions of dollars as a result of our wasting our money.

The best defense for America is in brain power. Developing maximum brain power so that when the China trade agreement begins to siphon off the jobs for our young people, the brain power that has been developed in those young people to step forward and take those high-tech jobs that we still have left. We do not have to bring foreigners in with an H-1B program to take the jobs that our own youngsters should be trained for. It all comes together.

Let the mothers set the agenda. Let the mothers have the common sense to do what we tell the policymakers here are not willing to do. Let the mothers in on the discussion. Let us not keep proceeding toward September when the end game negotiations will take place and decisions will be made about what we should do with the surplus. Yes there have been some proposals by the President, and I support all of his proposals. He proposes to use some of the money to deal with the Medicare problems, the problems of Medicare, the possible deficit in Medicare in 15 or 20 years. Some of the money can be used to deal with that.

The President is proposing we use some of the surplus to deal with a prescription drug benefit. That is one of the possibilities. Another possibility has been, of course, that we pay down the debt, the most popular one; and I am all in favor of paying down the debt. But we are not in a situation where all of the funds have to be used to pay down the debt. We should invest in education, because the investment in education will only increase the surplus and increase the health of the economy.

Mr. Speaker, there are a lot of arguments that make sense, and yes, they have gone forward; but suddenly there is silence about even the President’s proposals which he made in the State of the Union address are not getting much attention by him or by us here on Capitol Hill. The Senate and the Congress are moving at this point as if there is no surplus. If there are discussions of a surplus, and there are, I am sure, they are all behind the scenes getting ready for D-Day when the Democratic President and the White House will have to sit down with the Republican-controlled Congress, and they will do out what happens to portions of the surplus that they are going to spend this year.

Mr. Speaker, it is our duty to send them a message. Public opinion is still vitally important. It is not as important as it used to be because there was a time when public opinion was used as a barometer for a lot of decision-making. But I have seen some polls. I have done it because the public wants it. I cannot do it because the public is against it. Never before has public opinion been as strong as it is now in favor of the Federal Government providing more assistance to education. For the last 5 years, public opinion has told us that education ranks as one of the top five priorities of the public for the use of government money, government funds. For the last 2 years, education was on top. Indubitably, this year education ranks as the number one priority according to the public. The polls that are taken by the Republicans show the same as the polls that are taken by the Democrats.

Why is our leadership fully aware that education is a number one priority of the public refusing to respond by dedicating more of our resources to education? Our leaders who read these public opinion polls, we pay large amounts of money to pollsters to do the polls. Some of them come free from objective sources that have no stake in politics. Why are they not listened to? Now, we are like the Roman Empire right now in terms of the rest of the world. We sit on top of the world as the number one power. Why are the Romans no longer there? How much more instruction do we need? The pollsters tell us that education is number one priority according to the people and the mothers and fathers out there who want more money spent for education. When they questioned the people more closely within the category of education, they said they want us to fix up the schools. How much more information do we need? The pollsters tell us that education is number one priority according to the people and the mothers and fathers out there who want more money spent for education. How much more instruction do we need? The pollsters tell us that education is number one priority according to the people and the mothers and fathers out there who want more money spent for education. How much more instruction do we need?

Mr. Speaker, there is a stubbornness which is dangerous. There is a stubbornness which is deadly. There is a stubbornness which we see in the figures related to gun control. We are a Nation of savages when it comes to the number of people who die from gunshot wounds every year. Compared to the other industrialized nations, Germany, Japan, France, we have 100 times more people dying from guns, being killed by guns. No other nation allows 200 million guns to circulate in their society. The mothers were late, the mothers were late, but at least they are there on gun control.

There are other kinds of savage acts that are taking place that need to be challenged. There was a book written called Savage Inequity, which was a book describing the way the school resources are allocated in New York City. They compared the best schools in certain neighborhoods with the worst schools in other neighborhoods. I am sorry, it was not just New York City, it was other cities as well. They were challenged, but it was a savage inequity. How long do the politicians, of the policymakers, of the people in charge, of the people in charge, of the people in charge, of the people in charge.

Mr. Speaker, in 1990, March 27, 1990, I made a speech on the floor of this House which was called, “Keeping Our Eyes on the Real Prize: The Child Care Bill.”
At that time we were considering a bill for child care, and again, we were nick- el and diming the situation, looking at ways in which to cut pennies from the program at the same time the savings and loan swindle was raging. Billions of dollars were gone. We needed the drain from the taxpayers to take care of the crooked savings and loan swindles and deals, and we were nickel and diming the child care program.

There was a meeting held here. I will not go into the details of that meeting, and Marian Wright Edelman was in-vited to that meeting. She is the head of the Children’s Defense Fund. The discussion that took place at that meeting and the way in which they re-sponded to her, the negative way in which many of the persons at that meeting, Congress persons, responded to her simple plea for more money for child care upset me to the point where I wrote my first rap poem and found that was a good way to get off your frustration here in this place.

I called that rap poem, “Let the Mothers Lead the Fight.” I dedicated it to Marian Wright Edelman and the Children’s Defense Fund. It is very ap-propriate now. The mothers are leading the fight, they came to Washington, and I just want to close out by reading this rap poem that was put into the CONGRESSIONAL RECORD on the 27th of March, 1990. It is relevant.

Let the mothers lead the fight; sisters snatch the future from the night. Dangerous dumb males have made a mess on the right, mako dog egos on the left swollen out of sight.

Let the mothers lead the fight. Drop the line, throw away the face, stop the murder, sweep out the arms race. Let the mothers lead the fight.

Use your broom. Sweep out the doom. Do not fear the mouse. Break out of the house. Rats are ruining the world. Let the mothers lead the fight.

Fat cats want to buy your soul. Saving the world is being ruined by rats. Let the mothers lead the fight.

Use your broom. Sweep out the doom. Do not fear the mouse. Break out of the house. Rats are ruining the world. Let the mothers lead the fight.

Social Security

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker’s an-
Today, instead of being 42 that number is 3. So, in other words, in our workplace today, we have three workers for every person who is retired. Within the very near future that number will drop to two. This is one of the problems we have.

Now that problem is one of the factors we have to consider that has created the demographical situation with Social Security. The other problem really is for good news for all of us. That is the American health care system. Because of preventive medicine, because of the fact that we have made successful assaults on many different diseases since 1935, the life expectancy has increased dramatically. In 1935, the average male could expect to live until he was 61 years old and the average female could expect to live until she was 65. Now, today, look at how that has changed. This has gone up to about 74 years, and this has gone up to about 78 years.

Now what has happened in the meantime is, no adjustment that is proportionate to that increase in age has occurred to the Social Security system. So we have these dynamics. We have people living to an older age. We have people healthier, and we have more people in the retirement category than we do in the work stage. When we put those elements together, one can see that there is a collision course that is going to occur out there at some point in the future. We can avoid that by putting proper instrumentation into the airplane.

Now what do you think is the most dangerous risk that we have with Social Security today? What would we, as elected Members of the United States Congress, as Members who have fiduciary duties to our constituents, what do we think have the most to fear? What risk would we put the people that we represent, what would be the most dangerous risk that we could place them in in regards to Social Security? It is very simple, two words: Do nothing.

Mr. Speaker, we will break a bond with the people that we have committed to serve; we will be in breach of our fiduciary duty to the people that we represent and to the next generation that follows the older generation we now have, if we sit here and do nothing. That is why I think it is so important for me to be here this evening and have the kind of discussion that is going to have, because I do not believe that we can afford to sit idle and do nothing. To me that is just as dangerous as sitting in that airplane flying through the clouds saying, look, we know we do not have the right infrastructure but let us just relax. Let us talk about it. We cannot do it and we will not do it, and I will say why we will not do it because there are enough of us in here that understand the dangers that we face Social Security, that understand the option of do nothing, is, in fact, no option at all. So what do we do? What kind of differences do we have?

Let me say that, first of all, what we have is not a dangerous situation for people today that are on Social Security. Any individual out there who today is collecting a Social Security check faces no risk as a result of the factors I just told them about. In fact, with every 12 years of our average age does not really face any kind of risk of losing their Social Security benefits. It is that other generation, it is the generation of my Andrea or my Tessa or my Dax, those three children of Lore that is the generation which faces that risk.

If our generation fails to act for that generation, we should hold our heads in disgrace. There has been a generational trade-off in Social Security, and what has occurred is that the younger generation, frankly, is now subsidizing the older generation. That is okay if there is a system that when the subsidizing generation moves up the generation behind them can actually subsidize on an actuarial basis, the generation in front of them. That is not what is happening today. What is happening today is that the average couple on Social Security takes out about $118,000 out of the system more than they put into the system.

That is being subsidized by this younger generation.

So the older generations in our country, say from 40 up, and I fit in that category, their Social Security will be safe. But those generations from 40 and under, they have a right to demand of every one of us in these chambers, of every elected Federal official in this country, not what are you going to do for us, but what are you going to do for our generation, especially when it comes to Social Security.

Let me read a letter that I received from a gentleman, a friend of mine, the name has been redacted to the 60-plus senior citizens organization. It is a brief letter, but I think it is succinct.

I want to talk about Social Security. Thanks to the lockbox provision, which by the way was Republican activated, 'my Social Security, such as it is, is assured. But I am interested in my children. They should have a chance to choose between the Gore plan in which they invest in a government policy, including the lowest paying savings account in any bank, the lowest paying savings at any bank in this country, find the lowest paying savings account that one can and one will still do a whole lot better putting one's money in there than one will into the Social Security system.

So how do we change this? What are the plans out there? It has been very clear to me, and I am sure it is very clear to my colleagues that, in the last 2 weeks, 2 different paths have emerged; that the policy of the Vice President and that the policy of the governor of the State of Texas, who is the Republican nominee, obviously, for President. The Vice President obviously is the Democratic nominee for President. For one of these two people will be leading this country. One of those two paths would be advocated by that individual when they become President.

So let us take a look at them. The Vice President's policies, in my opinion, what we have seen in the last several months are simply fear tactics of, oh, my gosh, the sky is going to fall down if we dare try and do something different with Social Security. The Vice President's policy has been to support the status quo, even talk about changing the status quo, why, for some reason, one has committed an assault on senior citizens. Remember, that senior citizens, and this is a fact that should be disclosed in their commercials, senior citizens face no threat, no threat of losing their Social Security dollars. Persons over 40 years of age face no threat of losing their Social Security dollars.

So, the status quo means the generational trade-off. That is a do-nothing policy. It is the older generation is fine, but the younger generation is at risk.
We need a man that keeps the older generation safe and allows the younger generation who have 20 or 30 or 40 years left in their working career, give them an opportunity to have something a little better than what our seniors have today.

We are not asking for dramatic change. In fact, I do not think we have to guide the plane, so to speak, the airplane dramatically to avoid hitting that mountain. But if we do not change the direction of the plane ever so slightly, going the other way, in the United States Congress is the same as other Federal employees.

But back to my point. As we begin to reach that actuarial basis where we need to have cash and we do not change the system, the only answer we have, we are never going to be able to shut the people off, nor should we.

The only response that we have is one of several things. One, we start to tax the benefits. We go out to these seniors and we say, Look, we have got a cash crisis. We have got a crisis. We should have planned for it 30 years ago, but we did not. So we have to tax the benefits.

The other course of action that we are going to have to do is raise the payroll tax. Both of those are approaches which I think are punitive to the workplace out there.

The other thing that we would have to do, we would have to raise the retirement age. Now, there are some arguments in raising the retirement age.

If we do increase retirement age far enough out as people begin, as their life span begins to increase, perhaps there is some basis for that type of argument.

But the first two policies of the Vice President, raising the taxes and taxing the benefits, are not the answer. We have got a better answer.

The other way, some other things that we can do that we have heard discussed, reducing the cost of COLA’s, adjusting the benefit formula.

Now, in the last couple of weeks, we have heard some discussion, maybe what we ought to do with Social Security, maybe what we ought to do is do what the members do, what Members of the United States Congress do. This is nothing new. The Vice President’s plan stays the course.

The question comes up to all of us, do we want a President who is going to stay the status quo, or do we want a President that is going to take a bold move and do something and move? That point comes out here in the last 2 weeks. The Governor of the State of Texas, the Federal employees, the people who work out there, have a system very similar to what the Federal Government has, that is, that they be allowed to own, literally own a portion of their Social Security, only 2 percent of the pay but it takes 2 percent of the withholdings, and one would allow the worker out there to own a piece of the action.

What has the response been? Now, by the way, as I will get into the further details, that proposal is voluntary. We are not saying to the worker, they have to join this system. It is the same thing as the Federal employees.

The people of America need to know, Mr. Speaker, that the system we are considering is different from what the retirement system that every Federal employee can participate in addition to Social Security allows choice by the employee. It allows one to go to very, very conservative guaranteed investments, or to direct a small percentage of one’s salary towards high-risk investments. One gets to participate.

We do it for 2½ million Federal workers. Why not take a look at that system which has proven highly popular as they may not take what we have learned from that system, says the governor of the State of Texas, and move it over to Social Security.

The response has been interesting. Some of the negative arguments that have surfaced, i.e., it is stock market roulette, one could lose all one’s money. Well, one has got to talk about a concept that I think is very important, and it is called dollar cost averaging. One way one would lose all of one’s money on the stock market investment like this is that one puts all one’s money in the market one day and one loses it all the next day.

My position is that one goes into what is called dollar cost averaging, and that is one invests, it is a very small percentage, just like we do with the Thrift Savings with the Federal Government employees, one invests those dollars over time. Through time, one has cycles, one has up days or, like today on the market, one has a down day. But over time, it is the average of that dollar that brings one the return.

We are going to talk about returns here in a moment. But the clear message that we have here is that the Social Security, the people who participate in the system, could actually get that opportunity to participate without the kind of risk and the fear tactics that are being thrown out there.

Do we hear about when we talk about change, and, frankly, this is a difference, when the Republicans talk about change, the Democrats jump up and immediately try and convince, in my opinion, through their policies that the seniors are going to lose their Social Security.

Let me reiterate it very clearly. That is not what is happening here. I have not seen a plan by anyone on either side of the aisle that threatens seniors who are currently on Social Security in any way whatsoever. It does not happen. The real threat comes for that generation under 40.

Frankly, the Vice President’s policies throw people under 40, our young people in this country, better tell their constituents who are under 40 to take a very careful look at the present Social Security system.

They also ought to take a very careful look at who is going to make the first move, the bold move to protect Social Security for those under 40.

I can tell my colleagues that to protect the people under 40 they cannot accept the status quo. This airplane, referring to the Social Security system, is headed for a mountain. It is not going to get there in a few minutes. It is not going to get there for the people that are 40 and above. But for those people 40 and below, if we do not change the course of this airplane, it is going to hit a mountain.

Let us talk about a quote that the Vice President himself made in January of 1999. The Vice President said, “One of the single most important salient facts that jumped out at everybody is that, over a 10-year period in American history, returns on equities,” that refers to the market, the stock markets, “are just significantly higher than these other returns.” At any given 10-year period of time, those returns are significantly higher.

Now, the Vice President’s policy ignores that today. The fact is his statement that he made in January of 1999 is, in fact, accurate.

Let us take a look at what the rate of return has been in Social Security. For today, for those people under 40 years old, let us say, for example, we have a young working couple, let us pick a couple, 30 years, 35 years old. They have got children. Do my colleagues know what their return is averaging today on Social Security? 1.23 percent. Find me one savings account, Mr. Speaker, anywhere in this country at any bank, at any credit union, any savings and loan, find me one bank that pays interest rates that low.

That is exactly what a young couple, the people that I am talking about this evening, the professional men, the professional women, the young couples, the homemakers, that is what they are facing.

Now, let me tell my colleagues something else a little more alarming. For those of my colleagues who are particularly adept at minority issues, be aware that the life span longevity in this country statistically is lower than others, that return actually is below that.
May 23, 2000

CONGRESSIONAL RECORD — HOUSE

H3635

They deserve more. They deserve better. And, frankly, those of us who are over 40, our generation is enjoying the benefits of the previous generation. It is an obligation of ours to do something with that return. It is not their job, but it is our job, to change that definition of that plan. It is our job. That is our job to do and we should do it. And we have a plan that I think will work.

Now, take a look at stocks. Take any 10-year period of time. On average, we should have a 10% return at that 7% to 7.5% now. Remember, that is dollar averaging. Around 7% percent. Now, tell me what kind of rocket scientist does it take, with a small amount of money, not the entire retirement, but to be able to just take a small amount of money, a small percentage, 2 percent of money that is earning 1.23 percent, and moving it into an account that is earning 7 percent over a 30- or 40-year period of a work career. That makes a big difference. It is then how that individual, that generation, that these young people in our country deserve.

If we want to talk about doing something for the children, look at the plan that the Governor of the State of Texas, Bush, has put forward. If we really want to not just be talking out there, buffaloeing people about doing something for the children, if we really want to do something for the children, look at this Social Security. It begins to come back. It begins to be fairer.

Let us go into a few details about exactly what the Governor of the State of Texas has proposed. Let me explain first of all the attitude that we can see in the plan, the attitude that comes out, that just beams out of that plan. First of all, it is a can-do attitude. We can do something. It is a can-do attitude. We can do it. We can come up with a system that, without putting at risk an individual’s retirement, we can give them a better return than 1.23 percent. We can do it.

We see it. We see the feeling of that, let us do something attitude. My colleagues, we cannot just sit here, and this is exactly what the Governor of the State of Texas’s policy is, we cannot sit here with the status quo. Those who are not willing to participate should move aside, because we have to try something. And here is something, by the way, that has already been tried and tested and has been successful. This plan tracks the plan that, my guess would be, every one of us in these Chambers participates in and 2% million Federal employees also participate in. It works. And it took some guts to make a bold move to put us into that. I think it is very interesting.

Now, let me go through what the Vice President has said; that seniors on Social Security and people close to retiring would stay in the current system. I have mentioned that several times. The seniors should have no concern, and they should not listen to any of that advertising. Do not be frightened as we get into a political season by those advertisements, which were primarily run by the Democratic National Committee last time talking about our policies and trying to drive seniors towards decisions through fear tactics. Let us drive it through simple arithmetic. Let us drive it through the math.

The plan would take about 2 percent of payroll-taxed income and would set up personal-managed accounts. Now, what does that mean? That means that Social Security takes a certain percentage out of our payroll checks, and out of that amount of money, let us just imagine it in a pot. Here is an individual’s pot of money. The government takes it from that person’s check and puts it into Social Security. Out of that pot there would be a huge safety net. In other words, most of the money in that pot would go into the Social Security System so that no matter how small an individual’s pot of money, if that individual managed an account, if they did what the personal-managed account did, they would always be guaranteed at least a minimum retirement supplement.

As it is today, it is a supplement. It is not intended for retirement, and I should have mentioned that when I talked about the history of Social Security. It takes the majority of that money and puts it into the safety net, but it takes a small percentage of that money, which, over time, can really, on a cumulative basis, add up. And it takes that small percentage of money and allows the worker, the person paying the bill, the person that is getting stuck with the tab, it allows them to manage the account. For younger accounts, for the younger generation, it makes that generational reverse. It begins to come back. It begins to be fairer to our children, to our people, to our young couples under 40.

Now, how would the system work? The individual would have a first choice that we have is to put it into an investment that is absolutely safe, has 100 percent guarantee by the Federal Government, but the rate of return is very small. I think last year, and maybe I have got the return figure here, very small, maybe 4 or 5 percent, but it has a 100 percent guarantee. So those of us that want to participate in thrift savings do not want anything to do with the risk, we can go ahead and designate our personal account that is in our name and put it in that ultra safe investment.

Or we have two other choices. Those choices are, either we can go into the bond market or we can go into the stock market. Now, the bond market has no guarantees to it, but it has a higher return. Remember, the higher the risk, the higher the return. The lower the risk, the lower the return. So in our first account option that we have as Federal employees, we get a low return but we have low risk.

And by the way, the Thrift Savings Plan, just like the proposal for Social Security, it is voluntary. None of us in this room have to participate. Not one Federal employee out there has to participate in this. But if we want to increase our risk a little, then we can go into the bond market or we can go into the stock market.

Now, in the stock market fund, for example, over the past 10 years, the average rate of return from the stock-based option under that plan has been 10 percent. Now, that sounds like a great return. It is a great return, but the risk is involved there. And everyone who invests in the Thrift Savings Plan signs a statement. They go over very carefully what the risks are.
of the three different options. They give the historical average of what the returns have been. There are no secrets in this plan. It is a very employee-oriented plan.

On the bonds, over the last 10 years, their rate of return, the government bonds was 7 percent and corporate bonds was 7½ percent. Last year’s return was 20.95 percent. This is the Thrift Savings Plan. This is the plan that the Governor of the State of Texas has said we should take a look at for Social Security. Why can we not apply those principles, what is good for government employees, what is good for the United States Congress, to Social Security?

The minute that the Governor of the State of Texas proposed that, we heard generally from most of the Democrats, oh, my gosh, the sky is going to fall in. Even though, in fact, they are beneficiarie of the plan. The Members of Congress, was to allow Congressmen to keep their future a little bit better than Social Security. The Democrats are the first ones to say, hey, this is a good plan. They have plowed the snow; they have walked through some pretty tough mountain forest; somebody else been on this path? And the country here. What kind of path? Anybody else been on this path? And the governor of the State of Texas. He says, yes, I have a path through the forest. We have followed this path and, frankly, we followed it for 40 years under Democratic leadership, and they would not change it.

So for 40-some years under the Democratic leadership, we followed that path, but now we have discovered another trail. Somebody has showed up in the horizon; it happens to be the governor of the State of Texas. He says why do you not try this path? And by the way, it is not a new path. Who has walked in the path before? That is a legitimate question for you to ask.

Before you go through the forest with this person, it is a legitimate reason, a question for you to say now, wait a minute, governor of the State of Texas, what kind of path are you going to lead us through? We are going through some pretty tough mountain country here. What kind of path? Anybody else been on this path? And the answer to that question would be you and me. Federal employees have walked through this path. They have plowed the snow; that is a plan that Federal employees get to participate in, and 2½ million of them have chosen to do so.

And you know what, they are coming out on the other side of the mountains. And you know what, when they come out, to date, those Federal employees since 1988 have said, hey, this is a good system, including the Vice President of the United States, who in 1988 endorsed exactly what I said. He supported it. And in January, he also acknowledged the returns were better, although today, the Vice President’s
policies are do not dare go on a new path. We have got to stay on the same old path through these mountains.

Well, what we are saying is that same old path is bringing some pain to some people. Those people of 40 and over are going to walk the old path just fine, because they are most of the way down it. They are almost to the other side of the mountains, but the young people in our country, those people that are out there in the workplace 40 and under, and those who are not even out there at all so far, are going to have to start on this side. And the conditions are worsening on the path.

Those 40 and over have missed the snowstorm. There is now snow coming down on that path. We have got treacherous weather ahead, but we had an option. And that, again, is what I stress to all of us tonight, put your politics aside just for a little while and say does the Thrift Savings Plan work for me as a Federal employee? And there is not a one of you in this room that will not say yes to that. Of course, it works for you, or you would not be participating in it. And by the way, you do not have to participate in it.

Then the next question you would logically asks if it works for me, why do not we apply it to Social Security? Why do we not try and take a plan that allows a worker to direct and participate in the management, a small percentage of the money that is taken out of their payroll check and put it into the Social Security system.

I intend to have several more discussions with my colleagues on the floor in regards to Social Security. I think it is probably one of the top four issues that should be discussed in every election and every debate this season.

And as it is brought up in debates, I would urge my colleagues, put aside the facts and the numbers. We know factually that this plan, Social Security, if we stay on the same path, that in 2035, this plan will be actuarially bankrupt; we know that. You do not argue it; we do not argue it. It is a fact. So use that in your debate.

We know that the seniors who are currently on the Social Security today and those who are 40 and above face no danger of losing their Social Security benefits. You know that on this side; we know that on this side. That is a fact. Put it in there; list your facts in this debate.

We know that somebody has to change. Now, that is debatable. The Democratic leadership, the Vice President's policies are continuing down the same path. Our policies, our new proposal is let us just change the path a little. We are not saying change the path drastically; we are saying change it a little. Go on the trail that has been traveled, stay on the trail that has been successful.

Go on the trail that when those young workers get to 2035, they do not have to look at a return of 1.23 percent; they deserve more. We owe them more. So colleagues, I hope all of you participate with me in this Social Security debate.

I look forward to debating any one that wants to discuss the subject; but if you are a Federal employee, and I am referring to all of the Congress people here today, if you are a Federal employee when you get ready to debate me, you better justify with me at the beginning of the debate, you better justify with me at the beginning of the debate, you better justify why it is okay for you to have a management and ownership and inheritance rights under that plan, but it is not good enough for the average worker, American out there, unless they are a Federal employee.

If you cannot justify that at the beginning of the debate, I win by default. I win the debate by default. You know that and I know that.

In conclusion, Mr. Speaker, I urge all of you to go back to the American people and say, look, it is time for new leadership on Social Security. It is time for a slight change, not a dramatic change. The sky is not going to fall down, but it is time we look behind our timeline that we moved it just a little. Because if we move it just a fraction, over a period of time that angle becomes dramatically different and our airplane will not hit those mountains.

Let us follow through with the fiduciary obligation we have to our people. Let us save Social Security, not just for the next two generations, but for the next 15 generations so that those generations can in turn save it for the next 15.

PERMANENT MOST Favored Nation Status for China

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized for 55 minutes.

Mr. KUCINICH. Mr. Speaker, tonight I am going to be speaking about the permanent most favored nation status for China. And in the time that follows, I hope to demonstrate to the Members of Congress why this legislation ought to be defeated tomorrow and why this Congress needs to return to the roots of our historic roots which have been the result of people really caring about human rights, caring about the rights of all people.

When this country was founded, it was founded by people who felt that, as the Declaration of Independence indicates, it was necessary for people to dissolve the political bands which have connected them with another, and to assume among the powers of earth the separate and equal station to which the laws of nature and of nature's God entitle them. A decent respect to the opinions of mankind require that we should declare the causes which impel them to the separation.

And in that Declaration, which is our heritage, it goes on to say we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

Mr. Speaker, this Congress exists as part of a continuum of representatives who have come here throughout the history of this country to be a part of the discussion and to be a part of the debate, who have been successful.

When this country was founded, it was founded by people who felt that, as the Declaration of Independence indicates, it was necessary for people to dissolve the political bands which have connected them with another, and to assume among the powers of earth the separate and equal station to which the laws of nature and of nature's God entitle them. A decent respect to the opinions of mankind require that we should declare the causes which impel them to the separation.

When this country was founded, it was founded by people who felt that, as the Declaration of Independence indicates, it was necessary for people to dissolve the political bands which have connected them with another, and to assume among the powers of earth the separate and equal station to which the laws of nature and of nature's God entitle them. A decent respect to the opinions of mankind require that we should declare the causes which impel them to the separation.
trade policies between a low-wage developing country and a highly industrialized country, the United States of America.

Over 6 years later, we have the returns from all the promises that were made. We remember those promises. As Mr. McMillion states in his report, "NAFTA advocates insisted that the agreement would create good U.S. jobs by providing the U.S. a total trade surplus, and in that word, they promised a surplus in goods with Mexico of $50 billion accumulated over NAFTA's first 6 years." But in the first 6 years, the U.S. has accumulated a trade deficit in goods with Mexico of about $39 billion. That deficit translates into a loss of American jobs. So the promises of a $50 billion surplus suddenly are turned into a $39 billion deficit.

McMillion goes on to say that NAFTA advocates expected the agreement to provide U.S. advantage over the rest of the world in Mexico trade, assuring a U.S. trade surplus far into the future. During the first 6 years of NAFTA, the U.S. suffered total current account losses to Mexico of $118 billion. The rest of the world enjoyed a surplus, a surplus of $300 billion.

In his study, he points out that Mexico exported 621,000 cars, just to the U.S., in the 12 months to June 1999, while the U.S. base producers were able to export only 477,000 cars to the entire world. The total cost of export to Mexico for cars, light trucks and parts reached $16.6 billion in 1998 and could exceed $20 billion in 1999. The deficit with Mexico for computers and computer components reached $2.2 billion in 1998, and may reach $4 billion in 1999.

Now, Mr. Speaker, I represent Cleveland, Ohio, in the Congress of the United States. My community is a city of auto workers, of steelworkers, of people in industries connected to aerospace, of small machine shops. It is a city which has a growing medical industry. It is a city which is trying to move towards high-tech. It is a city that I am proud to represent in the Congress of the United States, a city which is an investment banking and also insurance growth community.

But the jobs that made Cleveland, Ohio, great, indeed the jobs that made this Nation a great Nation, were the jobs in manufacturing, in industries connected to aerospace, jobs which helped to protect this country through two world wars, jobs which are part of our strategic industrial base, jobs which now we are finding through a single trade agreement, the North American Free Trade Agreement, and which helped to keep jobs away, not only from Cleveland, but good paying jobs slipping away all over the country.

The U.S. net export losses to Mexico trade suggest a displacement of 378,000 higher wage U.S. goods producing jobs shifted to service producing jobs where weekly wages are 38 percent lower, according to the McMillion report.

The calculations of NAFTA's strongest supporters show that even before NAFTA, wages associated with U.S. exports to Mexico paid less than jobs displaced by U.S. exports from Mexico. NAFTA's investor guarantees, threats of relocation and the size and growth of the Mexico economy have a greater effect in depressing U.S. wages and profits.

Now, I use this as a prologue to the discussion about China, because trade deficits, as Mr. McMillion states, are part of our strategy. At this very moment the United States annual deficit for trade with Mexico is $70 billion. Since 1992, our trade deficit with China is over $350 billion. Those are American jobs, and they are not just shoes, they are not just handbags, they are high-tech jobs, which I am going to get into in a moment.

What about permanent MFN status with China? Contrary to what certain special interests are saying to Capitol Hill, I will work responsibly and desirably to grant China permanent MFN trading status. Instead, Congress can and should continue to review China's trading status on an annual basis. Permanent MFN is not necessary. We know NAFTA does not make the U.S. grant China permanent MFN.

In fact, the international trade agreement only requires that China receive MFN, but it does not specify that the award be on a permanent basis. We recall that the WTO report was made by the U.S. grant China permanent MFN.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights and religious rights protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights, and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports. That is a lot of leverage. The WTO report was made by the administration that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.
its annual review of China's trade status, and even at this late moment I say, we can come together and approve unanimously of an annual review, but China should not be given permanent MFN status.

At this point I would like to recognize my good friend the gentleman from California (Mr. SHERMAN). Mr. Speaker, if I may yield for a moment, from Sherman Oaks, California, who so ably represents not only that district, but the State of California in this Congress, I am honored to have our distinguished gentleman here this evening, and I am so grateful to have the opportunity to share this forum with the gentleman.

Mr. SHERMAN. Mr. Speaker, I thank the distinguished gentleman from Ohio.

Mr. Speaker, I am for trade. I am for engagement with China. I am for American involvement in international organizations that took the lead in keeping us involved in the IMF. But I am against isolationism, I am against protectionism, and I am against this deal.

I want to focus in the minutes that I have on three new developments that occurred today, that I hope Members listening at home or back in their offices will focus on. But, before I do, I want to make a couple of comments building on what my distinguished colleague had to say.

The gentleman pointed out that this whole trade agreement would take place without granting permanent most-favored-nation status to China. In doing so I think the gentleman focused on what this deal is really about. It is not about us getting access to their markets, it is about them having permanent access to our markets.

Corporate America does not see China as a great place to sell things; they see it as a great place to make things to sell here. The best example of that is the fact that India is virtually as large as China, and I have gone the last 3 months without a single business organization saying, “Oh, my God, there are a billion consumers in India,” because China offers not a billion consumers, but the largest pool of near slave labor available to those who want to manufacture there and exploit the market here.

They are not willing to make the major corporate investments in factories unless they are sure that they will have permanent access to the American market. Those factories ought to be built here. We should not be funding the construction of them in China. This deal is good for the People's Liberation Army of China, without whose consent China could not have made this deal. But while it is good for the PLA, it is bad for American security interests.

There are three new developments. The first was brought up by the distinguished gentleman from Ohio, and that is the report issued by the U.S. International Trade Commission. This is the official government entity designed to make a determination for us to see whether a deal was requested by U.S. Trade Representative Charlene Barshefsky, the chief administration point person on negotiating this deal. She asked for the study. The study came in and said, this does not just make our trade deficit with China permanent, it makes it bigger. Upon the release of the study, Ms. Barshefsky says that the study was premature. Well, that is obvious. A study that helps Congress reject this agreement is premature unless it is re-leashed. As the gentleman from Ohio clearly demonstrates it costs us 872,000 jobs, but that is an underestimation, because all of the analysis of the U.S. Trade Commission was done on the basis that China would least adhere to the written document. They have not adhered to their other documents, and in a control and command economy like China, they do not have to.

Mr. Speaker, here in the United States, we publish laws, and businesses are free to do what they want as long as they do not violate those published laws; and if our published laws violate the WTO agreements, we get taken to WTO court. In China, a telephone call from us to the home office, the head of a corporation in China, a telephone call from the night from a misissarro is all that it takes to get a business to do something else, and you cannot take a late-night phone call to WTO court. You cannot even prove it ever existed. All that happens is that Chinese businessperson decides not to buy American goods.

So the first and major development of the day is that the official government agency that our trade representa-tive, the chief architect of this deal, asked to expect that this deal will make the American working families. It is going to cost 872,000 jobs, and I believe far more.

The second major development was the submission to the Committee on Rules of this House of the Berman-Weldon amendment. The Committee on Rules is meeting now. I have been told to expect that they will not allow that amendment to come before this House.

Why is that amendment so important? The second amendment simply states that if China, after this agreement in joining trade relations with the United States, easy access to our markets, that if China invades or blockades Taiwan, that it loses access to our markets, they lose the PNTR. China will not accept this; hence, it is unlikely that the administration will accept it, and hence, it is unlikely that the Committee on Rules will accept it. I would like to be pleasantly surprised in an hour or two, although I do not think it will happen.

What does this mean to the Chinese? It is sometimes said that China is inscrutable to the United States, that it is harboring that fears that their system is doing. Trust me, we are at least as inscrutable to them. But how will they interpret the proceedings this week in this House?

An amendment was offered to say that if they invade Taiwan or blockade Taiwan, they lose their trade privileges. That amendment, if it is rejected, sends the exact opposite signal. Who is to blame the Chinese hard-liners if they regard our decision this week to pass PNTR and not condition it with whether Taiwan is invaded or invaded, how are they to interpret that? They are educated in a Marxist approach which says that corporations are all powerful. They look at this House where they might see just a little bit of support for Taiwan, and for the Berman-Weldon amendment, they may very well conclude that their new corporate allies will defend them and defend open access to America's markets even if they blockade Taiwan. They could reach that conclusion even if some of us here know this House better might reach a different conclusion.

What conclusion will they reach when their trade grows, not to $100 billion or $120 billion? They will reach the conclusion that American corporations are even more dependent and more powerfully willing to defend access to the American markets, and that that access will continue even if they invade or blockade. If they reach that conclusion, or if they do it on whether Taiwan is blockaded or invaded, how will they interpret the proceedings this week in this House?

As the gentleman from Ohio clearly demonstrates, it costs us 872,000 jobs, but that is an underestimation, because all of the analysis of the U.S. Trade Commission was done on the basis that China would least adhere to the written document. They have not adhered to their other documents, and in a control and command economy like China, they do not have to.

Mr. Speaker, here in the United States, we publish laws, and businesses are free to do what they want as long as they do not violate those published laws; and if our published laws violate the WTO agreements, we get taken to WTO court. In China, a telephone call from us to the home office, the head of a corporation in China, a telephone call from the night from a misissarro is all that it takes to get a business to do something else, and you cannot take a late-night phone call to WTO court. You cannot even prove it ever existed. All that happens is that Chinese businessperson decides not to buy American goods.

The second major development was the submission to the Committee on Rules of this House of the Berman-Weldon amendment. The Committee on Rules is meeting now. I have been told to expect that they will not allow that amendment to come before this House.

Why is that amendment so important? The second amendment simply states that if China, after this agreement in joining trade relations with the United States, easy access to our markets, that if China invades or blockades Taiwan, that it loses access to our markets, they lose the PNTR. China will not accept this; hence, it is unlikely that the administration will accept it, and hence, it is unlikely that the Committee on Rules will accept it. I would like to be pleasantly surprised in an hour or two, although I do not think it will happen.

What does this mean to the Chinese? It is sometimes said that China is inscrutable to the United States, that it is harboring that fears that their system is doing. Trust me, we are at least as inscrutable to them. But how will they interpret the proceedings this week in this House?

An amendment was offered to say that if they invade Taiwan or blockade Taiwan, they lose their trade privileges. That amendment, if it is rejected, sends the exact opposite signal. Who is to blame the Chinese hard-liners if they regard our decision this week to pass PNTR and not condition it with whether Taiwan is invaded or invaded, how are they to interpret that? They are educated in a Marxist approach which says that corporations are all powerful. They look at this House where they might see just a little bit of support for Taiwan, and for the Berman-Weldon amendment, they may very well conclude that their new corporate allies will defend them and defend open access to America's markets even if they blockade Taiwan. They could reach that conclusion even if some of us here know this House better might reach a different conclusion.

What conclusion will they reach when their trade grows, not to $100 billion or $120 billion? They will reach the conclusion that American corporations are even more dependent and more powerfully willing to defend access to the American markets, and that that access will continue even if they invade or blockade. If they reach that conclusion, or if they do it on whether Taiwan is blockaded or invaded, how will they interpret the proceedings this week in this House?
oil tanker on its way to Taiwan? The blockade is so easy for China to do, the only reason they do not do it is fear of American reaction, and if they can be confident of access to the American market. Well, I think we could call this bill the Taiwan blockade authorization act, because that is how it will be interpreted in Beijing.

Mr. Speaker, we cannot put this genie back in the bottle. The issue has come before this House, and if we deliberately close our eyes to the possibility of war, then trade relations would continue while Taiwan was blockaded, that is the green light the hard-liners are waiting for.

Mr. Speaker, we should be explicit in this bill. Confusion and mis-com- munication has started wars in the past, even among trading partners. Look at World War I, for example. So there is nothing but danger for our national security interests by passing a bill that implies without ever stating it that China will have access to our markets even if it begins hostilities.

So this is an issue before this House; we cannot ignore it.

I see that the gentleman from Ohio has a number of other points to make, and I would yield.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for his learned presentation. Certainly, the Berman amendment would add a considerable element to this debate so as to indicate our interest in seeing the aggressive nature of Chinese military policy tamed. I might add that our colleague, the gentleman from Virginia (Mr. WOLF), sent a communication today which shows that China has recently received cruise missiles from Russia, a deployment of 24 SSN 22 antiship cruise missiles on a Chinese Sovremenny class destroyer as the most significant recent weapons development by the People's Liberation Army naval forces, according to the Washington Times dispatch. These weapons, according to the headline, give Beijing a boost in firepower.

I believe in what President Kennedy said years ago when he said, "We should never lose sight of the fact that China is a major emerging power, and this is in a long-term context." We wonder, what does all of this mean for China? China has surpluses in every- thing from corn to disk drives means that there is not a market in China for any American-made products. Lower tariffs and nontariff trade barriers do not change the fact that China already grows and manufactures more than their population consumes. So we cannot expect current trends to reverse. Exports to China will increase; imports from China will increase much more. I think that when we consider why we have this big push here for permanent trade status, let us look at it.

Mr. Speaker, the large U.S. corporations are the ones behind the push. They want it so that they can invest in new factories in China, use China as their export platform, grow wages, no worker rights, no human rights, no religious freedoms, no freedom of speech, no labor voice. They want to sell their products back to the U.S. with confidence that Congress will not levy tariffs or enact trade barriers. For the future, I mean, let us face it. Our ability to influence labor rights and human rights depends on having an annual review, I say to the gentleman.
Mr. SHERMAN. The gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. SHERMAN. The gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. SHERMAN. The gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. SHERMAN. The gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. SHERMAN. The gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that those major corporations are looking at China as a labor pool of 1.3 billion people who might use cellular telephones and say that China has 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for $1, $5, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?
where we are going in the future with this 64 percent difference in imports and exports with China, earlier I mentioned the score, let us look at some scores here. Camcorder, $176 million from China; $58,000 to China. Laser printers, $10 million from China; zero that we sent to China.

Mr. SHERMAN. So it is not just toys and tennis shoes.

Mr. KUCINICH. Oh, no.

Mr. SHERMAN. This is the kind of stuff that Americans could make competitively. Here, a dear colleague watching us instead of those Friends colleagues, and I thank them for interject, I want to commend to our interest of the United States first and Americans, we ought to stand for the back here and to reassess where we are. It is time for America to pull munitions of war.

Mr. SHERMAN. Mr. Speaker, if I can, the thing that would really frost most Americans, listen to this. The reception apparatus for radio, $13 million from China, zero from the United States. Reception apparatus for radio, $35 million from China; zero from the United States. Reception apparatus for radio, $35 million from China; $58,000 to China. Laser printers, $35 million from China; zero sold from the United States.

Mr. SHERMAN. Mr. Speaker, one other thing our colleagues should do when they first wake up tomorrow morning is ask their staff, is the Berman-Weldon amendment be in order by the rule? If not, then if we go forward tomorrow, then the great green light for a blockade of Taiwan.

The least we could do to avoid miscommunication with China is to tell them that, if their friends in America are powerful enough to give them permanent most-favored-nation status, at least that status will disappear should they begin military action against Taiwan.

IMPACT OF ILLEGAL NARCOTICS

The Speaker pro tempore (Mr. Sweeney). The Speaker's announcement of January 6, 1999, the gentleman from Florida (Mr. Mica) is recognized for 55 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again tonight to apologize to the staff that is working late into the evening, and appreciate the Speaker's indulgence and other Members who are listening tonight.

I always try to come before the House on Tuesday nights during these Special Orders to bring to the attention of the Members of the House of Representatives that the American people are demanding that we, the American people, the number one social problem that we face, that is the problem of drug abuse, illegal narcotics, and drug addiction in this country.

Over and over, I have repeated some of the statistics, and the statistics are mind boggling. The National Office of Drug Control Policy and our Drug Czar Barry McCaffrey have estimated that, each year, over 52,000 Americans die directly or indirectly of drug related offenses. In China being able to have workers' rights and have a decent living. It is pretty hard, though, when we have labor activists that, the minute that they start to organize, they go to jail. I have a list here, a pretty long list, of individuals who, the minute they try to start speaking about trying to get better wages out of these U.S.- multinational corporations based in China, they end up in jail.

So I think that, again, Mr. Speaker, I want to thank the gentleman from California (Mr. Sherman) for his participation in this last hour. I think that what we have been able to establish is that this Congress tomorrow ought to be voting to defeat permanent trading status for China. We should have an annual review. Let us keep China engaged, but let us not turn it away every time that we have, and that is our ability to set the rules through annual review.

Mr. Speaker, I yield to the gentleman from California (Mr. Sherman) if he would like a final word.

Mr. SHERMAN. Mr. Speaker, one other thing our colleagues should do when they first wake up tomorrow morning is ask their staff, is the Berman-Weldon amendment made in order by the rule? If not, then if we go forward tomorrow, then the great green light for a blockade of Taiwan.

The least we could do to avoid miscommunication with China is to tell them that, if their friends in America are powerful enough to give them permanent most-favored-nation status, at least that status will disappear should they begin military action against Taiwan.
Tonight, I want to pick up from where I left off last week and talk a bit about some of the impact of illegal narcotics. Now, we know in our land that nearly half of Americans have tried some type of form of illegal narcotic, and we know that, in fact, using some of them, such as marijuana, does lead to use of other types of illegal narcotics. We have seen the results which are devastating in our communities.

I come from Central Florida. I represent the area between Orlando and Daytona Beach, probably one of the most economic prosperous growing areas in our country and one of the most beautiful areas across our land, and that area has also been ravaged by illegal narcotics, particularly heroin abuse. Heroin in the 1950s, 1960s, 1970s was somewhat limited to the inner cities, to lower socioeconomic and minority population abuse. It was intravenously abused by drug addicts. The availability of heroin was really not that extensive in Central Florida or in most areas of our Nation, again mostly an inner city problem.

Most people did not pay attention to it. But in 7 short years of this administration, we have seen the tide of heroin coming into our States from the For-

The report that the Government Accountability Office recently conducted an oversight and investigation committee on Criminal Justice, Drug Policy and Human Resources recently conducted an oversight and investigations hearing in Baltimore. It has been happening with heroin in that area of the country. According to this report, heroin-related emergency department admissions increased 116 percent between 1990 and 1997 in the North Central United States. According to DAWN, heroin-related emergency department mentions in the southern United States increased 165 percent between 1990 and 1997. Heroin-related drug treatment admissions in the southern United States increased 13 percent between 1992 and 1997, according to DAWN's treatment episode data report.

Heroin use in the north central United States is also on the increase. So this is not just a regional problem, but a national one. And also in Florida and the southeast or the Southwest, but this report also details what is going on in the north central States.

Heroin-morphine related emergency department mentions increased some 364 percent in the north central United States in the period between 1990 and 1997. Chicago heroin-morphine related incidents increased 323 percent in that same period.

St. Louis morphine and heroin-related deaths increased some 350 percent from 1990 to 1997. And then this report also details the Northeast United States statistics and what is happening with heroin in that area of the country. According to this report, heroin-related emergency department admissions increased 116 percent between 1990 and 1997 in the North Central United States. According to DAWN, heroin-related emergency department mentions in the western United States increased some 28 percent in recent years, heroin-related deaths between 1993 and 1996 rose in all 12 States of the western region during that time frame. In Oregon, the State Medical Examiner's office reports an average of five people a week died of heroin-related causes in the first 6 months.

To further look at some of the more recent statistics and data in this report, and again focusing on the western part of the United States, the report says that seizures at the southwest border increased from 52 events and 103.8 kilograms seized in 1997 to 90 events and 145.9 kilograms in 1998. What is interesting about the heroin that we see coming in from this area is not only do we have the Colombian brand, but also at the beginning of this administration, we now have, in double digits, very strong, very pure, very deadly black tar heroin coming from Mexico. Mexico, in fact, and not too many people will publicize this, particularly at a sensitive time, with elections in Mexico and elections in the United States, but from 1997 to 1998, in the most recent statistics we have of heroin seized in the United States, Mexican black tar deadly heroin has increased in just a 1-year period, another dramatic increase in heroin coming from our neighbor to the south.

According to the Drug Abuse Warning Network, again the acronym DAWN, heroin-morphine related emergency department mentions in the southern United States increased 165 percent between 1990 and 1997. Heroin-related drug treatment admissions in the southern United States increased 13 percent between 1992 and 1997, according to DAWN's treatment episode data report.

X 2320

St. Louis morphine and heroin-related deaths increased some 350 percent from 1990 to 1997. And then this report also details the Northeast United States statistics and what is happening with heroin in that area of the country. According to this report, heroin-related emergency department admissions increased 116 percent between 1990 and 1997 in the North Central United States. According to DAWN, heroin-related emergency department mentions in the western United States increased some 28 percent in recent years, heroin-related deaths between 1993 and 1996 rose in all 12 States of the western region during that time frame. In Oregon, the State Medical Examiner's office reports an average of five people a week died of heroin-related causes in the first 6 months.

To further look at some of the more recent statistics and data in this report, and again focusing on the western part of the United States, the report says that seizures at the southwest border increased from 52 events and 103.8 kilograms seized in 1997 to 90 events and 145.9 kilograms in 1998. What is interesting about the heroin that we see coming in from this area is not only do we have the Colombian brand, but also at the beginning of this administration, we now have, in double digits, very strong, very pure, very deadly black tar heroin coming from Mexico. Mexico, in fact, and not too many people will publicize this, particularly at a sensitive time, with elections in Mexico and elections in the United States, but from 1997 to 1998, in the most recent statistics we have of heroin seized in the United States, Mexican black tar deadly heroin has increased in just a 1-year period, another dramatic increase in heroin coming from our neighbor to the south.

According to the Drug Abuse Warning Network, again the acronym DAWN, heroin-morphine related emergency department mentions in the southern United States increased 165 percent between 1990 and 1997. Heroin-related drug treatment admissions in the southern United States increased 13 percent between 1992 and 1997, according to DAWN's treatment episode data report.

Heroin use in the north central United States is also on the increase. So this is not just a regional problem, but a national one. And also in Florida and the southeast or the Southwest, but this report also details what is going on in the north central States.

Heroin-morphine related emergency department mentions increased some 364 percent in the north central United States in the period between 1990 and 1997. Chicago heroin-morphine related incidents increased 323 percent in that same period.

X 2320

St. Louis morphine and heroin-related deaths increased some 350 percent from 1990 to 1997. And then this report also details the Northeast United States statistics and what is happening with heroin in that area of the country. According to this report, heroin-related emergency department admissions increased 116 percent between 1990 and 1997 in the North Central United States. According to DAWN, heroin-related emergency department mentions in the western United States increased some 28 percent in recent years, heroin-related deaths between 1993 and 1996 rose in all 12 States of the western region during that time frame. In Oregon, the State Medical Examiner's office reports an average of five people a week died of heroin-related causes in the first 6 months.

To further look at some of the more recent statistics and data in this report, and again focusing on the western part of the United States, the report says that seizures at the southwest border increased from 52 events and 103.8 kilograms seized in 1997 to 90 events and 145.9 kilograms in 1998. What is interesting about the heroin that we see coming in from this area is not only do we have the Colombian brand, but also at the beginning of this administration, we now have, in double digits, very strong, very pure, very deadly black tar heroin coming from Mexico. Mexico, in fact, and not too many people will publicize this, particularly at a sensitive time, with elections in Mexico and elections in the United States, but from 1997 to 1998, in the most recent statistics we have of heroin seized in the United States, Mexican black tar deadly heroin has increased in just a 1-year period, another dramatic increase in heroin coming from our neighbor to the south.
lack of enforcement of narcotics laws that are on the books of not only Balti-
more but also this State of Maryland and a lack of cooperation in going after
drug users and abuser. That type of ac-
tion has related in an incredible record of drug use. When we had source
problems and before they come to our
land in the area of drug abuse. I am sure the
that, in fact, we know what does work
with the heroin across our land.

This is a city whose experiment is a failure. This is a mayor whose legacy is
death and destruction and addiction. If this was replicated across the United
States, we would have tens and tens of
millions of our population addicted.

Baltimore is an example of a city
whose population has gone down, down,
and down from over 900,000 to some-
where in the 600,000 range, while the
addiction population has gone from
somewhere about 39,000 in 1986 to some
estimates of 70,000 or 80,000. In fact, one
of the city council members was
recently quoted saying that one in eight
individuals, citizens of Baltimore are
now addicted and primarily to heroin.

This is a city whose experiment is a failure. This is a mayor whose legacy is
death and destruction and addiction. If this was replicated across the United
States, we would have tens and tens of
millions of our population addicted.

Baltimore is an example of a city
whose population has gone down, down,
and down from over 900,000 to some-
where in the 600,000 range, while the
addiction population has gone from
somewhere about 39,000 in 1986 to some
estimates of 70,000 or 80,000. In fact, one
of the city council members was
recently quoted saying that one in eight
individuals, citizens of Baltimore are
now addicted and primarily to heroin.

This is a city whose experiment is a failure. This is a mayor whose legacy is
death and destruction and addiction. If this was replicated across the United
States, we would have tens and tens of
millions of our population addicted.

Baltimore is an example of a city
whose population has gone down, down,
and down from over 900,000 to some-
where in the 600,000 range, while the
addiction population has gone from
somewhere about 39,000 in 1986 to some
estimates of 70,000 or 80,000. In fact, one
of the city council members was
recently quoted saying that one in eight
individuals, citizens of Baltimore are
now addicted and primarily to heroin.

This is a city whose experiment is a failure. This is a mayor whose legacy is
death and destruction and addiction. If this was replicated across the United
States, we would have tens and tens of
millions of our population addicted.
The next mistake by this administration was in fact to decertify Colombia without a national interest waiver, which meant that even equipment and resources which the Congress had appropriated would be denied to Colombia. In fact, you do not have a war in Colombia or effort by the United States to stem the production of illegal narcotics, when you do not have equipment and resources going in to that region to eliminate the production of the crop, which is the basis of its cooperation from the source zone, and you do not use the military and others to provide information and surveillance back to the source country to stop the illegal narcotics and interdict them as they come out, this is the result that we see, is an incredible volume of heroin coming into the United States at lower cost, at higher and more deadly purity levels, and we see now suburban teen heroin use on a dramatic rise in the United States. Again, it can be traced to Colombia to Mexico.

Another failure in this administration’s policy, which in fact certified Mexico as cooperating when Mexico has done everything to the contrary but allow, by the administration in trying to redirect even a single Mexican drug dealer after dozens and dozens of extradition requests, failing to sign or negotiate a maritime agreement, which this Congress just several years ago insisted that Mexico do as a part of its cooperative effort to eliminate narcotics trafficking, failing to allow our agents to adequately arm and protect themselves, and also keeping a limit of just a handful of DEA agents in that country. They do not want drug agents in that country, because the corruption from the police level to the President’s office and throughout the states of Mexico has in fact run rampant, and in fact Mexico has thwarted again all of our efforts at enforcement, going so far as in the largest operation in the hemisphere, probably the history of this hemisphere, to go after corrupt money laundering in Mexico, operation Casa Blanca, where Mexican officials threatened the arrest of United States customs officials and others involved in bringing to justice Mexican and U.S. and other banking officials who were involved in that huge money laundering scheme.

So, another failure, a failure in Colombia, the source of 70 to 80 percent of the heroin. Again, almost zero was produced in 1992-1993. Further, Mexico, after giving Mexico incredible trade benefits, financial benefits, opening our borders to Mexico, in fact this administration had failed to gain their cooperation in the devastation that is raining on our communities, and a 20 percent increase in black tar Mexican heroin on our streets in a 1 year period of time.

Mr. Speaker, as I continue talking about the drug narcotics problem and I focus some on heroin tonight and also on teen use of heroin, which we have seen a dramatic increase in, and also the tremendous volume of heroin coming across our borders, I wanted to report some of the other statistics that we found relating to this new phenomenon.

The number of heroin users in the United States has increased, again, according to the last chart I showed, from 500,000, half a million in 1996 to 900,000 in 1999. We know exactly where that heroin is coming from. We know why that heroin is coming into the United States.

One of the interesting statistics in this report was that the rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to 27 in 1,000 in 1996. First-time heroin users are getting younger, from an average age of 26 years old in 1993 to an average age in 1997 of only 17 years of age.

Again, I have cited the failure of this administration’s policy in curtailing some 60, 70 percent of the heroin coming in, which is produced in Colombia now and, again, almost none produced there in 1992, through 1993, 17 percent of the heroin produced now is coming from Mexico. We know, looking at this map, we have Colombia, which is the source of most of the heroin: we know that it is leaving this area.

We also know that since we have instituted requests for successfull programs in Peru and Bolivia where they have cut coca production and cocaine production by some 50 to 60 percent in this area through a successful program set up by the gentleman from Illinois (Mr. HASTERT), the previous Chair of the Subcommittee on Drug Policy, those successful programs, coupled with the failure of the administration’s program to institute the same type of actions in Colombia, again, even though the Congress directed those programs to take place in Colombia, we now have some 80 percent of the cocaine produced and coca produced in Colombia. So we know we need Colombia covered as far as surveillance information, as far as knowing where drugs are coming from, as far as going after drugs at their source.

Unfortunately, in May of last year, the surveillance flights stopped from our major forward operating location in that area, and of course the United States, it is now history, was forced to remove all of its operations, turn over $10 billion in assets to Panama, close down its antinarcotics flights from that area. This chart that we have here shows the patchwork that is being put together by the administration in trying to replace what we had in Panama. Panama had a strategic location and could cover all of this region with flights out of that area. Unfortunately, between 1992 and 1999, one of our more recent reports that we requested showed that the administration had cut these flights some 68 percent. Additionally, maritime actions and surveillance operations were cut by some 62 percent.

So that is why we have a flood of heroin coming into this area. We do not have these locations that are starred here and circled here, which we insist was substitute drug program in operation in place or fully operational. At this time we have in Manta, Ecuador an air strip. We have just signed a 10-year agreement after a year delay; but unfortunately, there is somewhere one of the neighboring million to $100 million in work that has to be done, and an outdate of the year 2002 before this operation will become fully capable of functioning. We have in Curacao and Aruba a limited amount of coverage from that location, and the star here in El Salvador, we have no operations in that location. We are just in the process of concluding an agreement which must be presented to their legislature.

We get through with this, we are probably looking at $150 million. Now, we lose $10 billion in assets to Panama, were kicked, basically, out of Howard Air Force base, so we have no drug operations in that location. We do have air surveillance flights, but there is a fraction of the information getting to stop illegal narcotics. Of course, we know the history of the administration blocking aid and equipment to Colombia which can operate in high altitudes, eradicate crops, go after drug traffickers, and we know that the narco-traffickers who were involved in drug production are also financing the civil war in that country in which some 35,000 people have been slaughtered; 5,000 police, elected officials, supreme court members, members of their congress have been slaughtered; and yet we have not been able to get any equipment out of the form of helicopters that have been promised for some number of years now. Even when that equipment was delivered at the end of last year, after numerous delays, it was delivered there without the proper armoring and without the proper ammunition.

Mr. Speaker, we found that some of the ammunition that we had been requesting for years to get down to Colombia to go after the drug traffickers was, in fact, delivering dock of the State Department during the Christmas holidays; and now we find, even more disturbing, that some of the bulk of the ammunition that has been supplied to Colombia is outdated, possibly dangerous, 1957 ammunition that was purchased by the State Department in a bungled procurement.

This is a very sad picture, but it is a very true picture of what has taken place. Again, this is not in place, this is the improperly accounted for the flood of heroin coming into the United States out of that transit through Mexico, through the Caribbean. Much of it, we found in recent
hearings, is transshipped through Haiti. Here is another incredible failure of this administration, spending some $3 billion, one of the most farcical foreign policy adventures in the history of the entire Western Hemisphere.

Mr. Speaker, after repeated pleas with President Clinton, I came to this floor many times saying, we cannot impose an economic embargo on a country where people are making less than a dollar a day, where the country is basically operating with 60,000 to 80,000 manufacturing jobs by U.S. businesses who have invested in that country, imposing an embargo that closed down industry, manufacturing, private sector activity through the entire population on to a Clinton-style welfare program which we are now supporting, and Haiti is a country in which taxpayers of the United States not only got into this subsidization and welfare because the Clinton policy destroyed the economy, but it has now sent back the major transshipment point through the Caribbean in a lawless society which, just within the last number of hours, has conducted an election and we will see how that goes. In the meantime, the puppets that we have put in place have quadrupled people in unprecedented numbers; and chaos reigns on the island, which is now open to drug traffickers.

We had before our subcommittee some videotapes of drug traffickers landing at will and transshipping heroin and other illegal narcotics, cocaine through a Gli, again we were spent hundreds of millions of dollars supposedly building judicial institutions, police forces and other expenditures to so-called nation build that have been a complete failure.

So we have unprecedented quantities of heroin coming into the United States. It would be bad enough if we just had heroin and cocaine, but these charts which I showed last week, I would like to bring up again tonight, and again I did not produce them. The administration’s own Commission on Sentencing brought these to our subcommittee and it shows crack in yellow and the darker color here is methamphetamine and it shows 1992 almost not on the charts. The prevalence in 1993 begins to increase with the advent of this administration; 1994, it becomes an even broader pattern across the United States; 1995, spreads even further. One would think this was something put out by the Republican National Committee here as propaganda, but, in fact, these are the charts that were given to us by the administration’s own Sentencing Commission.

Look at the prevalence of crack in 1996 and methamphetamines, 1997; 1998, 1999; 2000; 2001. We have only had statistics, in parts of the country, an increase as a result again of this huge influx coming from Colombia and also from Mexico, two major failures of U.S. foreign policy, some of it through Haiti, another failure of policy, we now have an incredible meth and crack epidemic in many parts of our country. The chemical that helps produce this, and meth is the most pure form of cocaine, has produced some incredible results and documentation, the meth dealers and the meth product is coming out of Mexico to communities like Iowa and we will be going out there to do a hearing. Shortly the other day we held hearings in Sacramento, in that area of the State, and San Diego. Meth epidemics, incredible tales of how methamphetamines destroys people’s lives, causes them to abandon their children. It is far worse than the crack epidemic that we had in the 1980s; and meth does incredible damage to people, causes them to commit bizarre acts.

What was interesting, again these two charts show the meth epidemic and crack epidemic across this country, is that what our Sentencing Commission on Drug Policy criminal justice drug policy scientists who show us what meth does to the brain.

Tonight, as we get towards the end, I wanted to speak to the Members of Congress and others who are watching what takes place. This is a scientific brain scan presented again to our subcommittee. It shows the normal brain here, and we see a lot of the yellow here. This is the healthy brain pattern. Then it shows a gradual reduction in dopamine, which is so important to brain function, because of meth use. This is additional methamphetamine use. The only thing a habitual methamphetamine user has differently from this last brain scan, if we look at that, is a tiny bit of brain capability left. The last scan is severe Parkinson’s disease. So meth destroys the brain and brain function. It is not something that regenerates, according to those scientists.

This is a very graphic illustration of the destruction of the human mind, the brain, and it accounts for the incredible acts of violence, the spouse abuse, the child abuse, the abandonment of family and life as we know it when people become addicted and their brain is destroyed by methamphetamine.

Unfortunately, as I said before, heroin, which has such a glamorous connotation today, is more deadly than it has ever been. In the 60, 70 percent purity levels, when mixed with other substances, it is accounting for incredible record numbers of deaths across the United States. When used sometimes by first-time users it results in fatalities and drug-related deaths at record levels. The only thing that has kept our level of heroin deaths at a gradual increase in deaths and not even higher records is the ability now to provide anecdote medical treatment, emergency treatment. However, admissions to charts not produced by me but unbiased and credible sources, showed that that was a successful program. So this Republican-controlled Congress has increased source country programs back to the 1992 levels, the 1991 levels.

Interdiction, we are trying to bring the military back to this program. The military does not arrest anyone. It merely provides surveillance information. And reinstitute forward operating locations which have unfortunately been dismantled under this administration and allowed that incredible volume of hard, deadly, more pure drugs come in to our border. We have begun a billion dollar unprecedented match by a billion dollars in one weekend; a national media campaign which is one year underway; and we are working to improve that. We are trying to fund treatment and prevention programs at an unparalleled level, in fact have dramatically increased the Federal funding for treatment programs and again put in place hopefully a balanced approach to the problem of illegal narcotics.

It is my hope, Mr. Speaker, that we can work, as we conclude the 13 appropriation bills, in funding a real effort against illegal narcotics, a real war against illegal drugs as a multifaceted project in the Congress because we have 13 appropriation bills and many of them deal with drugs in one way or another. Putting it back together, in fact, is important. We have stalled in getting the money to Colombia and that is a horrible mistake and shame on both sides of the aisle. Shame on this administration and this President for not getting that package here in a timely fashion and acting on it. We know that heroin is coming from Colombia and Mexico and we must stop illegal narcotics at their source.
(normal trade relations treatment) to the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3016, TELEPHONE EXCISE TAX REPEAL ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-637) on the resolution (H. Res. 513) providing for consideration of the bill (H.R. 3016) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other telecommunications services, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. GEPHARDT) for today on account of attending Congressman W. EiNer's brother-in-law for today.

Mr. LARSON (at the request of Mr. GEPHARDT) for today on account of attending Congressman W. EiNer's brother's funeral.

Mr. PACE (at the request of Mr. ARNEY) for after 11:00 a.m. today until 4:00 p.m. May 24 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLEczKA) to revise and extend their remarks and include extraneous material:)

Ms. VELAZQUEZ, for 5 minutes, today.

Mr. BALLONE, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. CLAYTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today. (The following Members (at the request of Mr. GREENWOOD) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. DAVIS of Virginia, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mrs. ROUKEMA, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BUYER, for 5 minutes, May 24.

Mr. LAZIO, for 5 minutes, May 24.

Mr. REGULA, for 5 minutes, May 24.

Mr. ROHRABACHER, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were therewith signed by the Speaker:

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish an interagency system for commercial filming activities on Federal land, and for other purposes.

H.R. 3526. An act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 3528. An act to reform unfair and anti-competitive practices in the professional boxing industry.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1386. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

S. J. Res. 44. An act supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Forces during World War II.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On May 22, 2000:

H.R. 2707. To authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute of Taiwan.

H.R. 3028. To amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges, and Universities under Part A of title III.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock a.m.), the House adjourned until tomorrow, Wednesday, May 24, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7777. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Participations (RIN: 3052-AB87) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7778. A letter from the Chair, the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106-246); to the Committee on Appropriations and ordered to be printed.

7799. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation, "To Reimburse Military Personnel, Senior Civilian Employees, and Military Entrance Processing Personnel For Certain Parking Expenses"; to the Committee on Armed Services.

7788. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General Lloyd W. Newton, United States Air Force; to the Committee on Armed Services.

7799. A letter from the Executive Director, Emergency Oil & Gas Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program; Conforming Changes (RIN: 3003-2A09) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7800. A letter from the Assistant Secretary, Operations Safety and Preparedness, Department of Labor, transmitting the Department's final rule—Nebraska State Plan; Final Approval Determination (Docket No. T-053) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7782. A letter from the Acting Director, Regulators Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Emergency Oil & Gas Guaranteed Loan Programs; Conforming Changes (RIN: 3003-2A09) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7763. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cy- prus question covering the period February 1–March 31, 2000, pursuant to 22 U.S.C. 2373(c); (H. Doc. No. 106–247); to the Committee on International Relations and ordered to be printed.

7784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 030-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Jordan [Transmittal No. DTC 011-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under an agreement to Saudi Arabia [Transmittal No. DTC 002-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7787. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 009-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.
7788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to French Guiana or Sea Launch [Transmittal No. DTC 005-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7789. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 006-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7790. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Egypt [Transmittal No. DTC 004-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 007-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7792. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 008-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.


7795. A letter from the Director, Office of Government Ethics, transmitting the Annual Program Performance Report for FY 1999, to the Committee on Government Reform.


7798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Fokker Model F27 Series Airplanes Equipped With Rolls-Royce 532-7 “Dart 7” (RDa-7) Series Engines [Dock et No. DTC 012-00; Amendment 39-11994; AD 2000-07-26] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29995; Amdt. No. 1987] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29996; Amdt. No. 1987] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an initial decision on a proposed Foreign Affair License Agreement under a contract to Japan [Transmittal No. DTC 007-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7802. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program: Suggestion Program on Methods to Improve Medicare Efficiency [HCFA–A0007–FC] (RIN: 0938-A301) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7803. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Veterans Affairs and Department of Veterans Affairs; Amdt. No. 1987 to the Regional Comprehensive Programs [Docket No. 2000–NM–50–AD; Amendment 39–11976; AD 2000–07–27] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7804. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Veterans Affairs and Department of Veterans Affairs; Amdt. No. 1988 to the Regional Comprehensive Programs [Docket No. 2000–NM–51–AD; Amendment 39–11977; AD 2000–07–27] (RIN: 2120-AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7805. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Justice, transmitting the Deputy's final rule—Automatics, and for other purposes; with amendments (Rept. 106–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 510. Resolution providing for further consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China (Rept. 106–637). Referred to the House Calendar.

Mr. LANDER: Committee on Rules. House Resolution 511. Resolution providing for consideration of the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the estate, gift, and generation-skipping transfer taxes (Rept. 106-626). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes (Rept. 106-634). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2764. A bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes; with an amendment (Rept. 106-638). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ (for himself, Ms. VELAZQUEZ, Mr. RODRIGUEZ, and Mr. HINOJOSA):

H.R. 4515. A bill to amend the Internal Revenue Code of 1986 to reduce the interest rate on installment payments of the estate tax on closely-held business interests; to the Committee on Ways and Means.


By Mr. SUNUNU (for himself and Mr. BASS):

H.R. 4517. A bill to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building"; to the Committee on Post Office and Civil Service; to the Committee on Government Reform.

By Mr. DOOLEY of California (for himself):

H.R. 4519. A bill to amend the Public Building Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the...
H. Con. Res. 307: Ms. Stabenow, Mr. Frost, Mrs. Morella, Mr. Pascrell, Mr. Frank of New Jersey, Mr. Stark, Mr. Engel, Mr. McGovern, Mr. Tiahrt, Mr. McNulty, Mr. Shaw, and Mr. Filner.


H. Con. Res. 321: Mr. Reyes, Mr. Cramer, Mr. Buxus, Ms. Eddie Bernice Johnson of Texas, Mr. Rush, Mr. Ortiz, Mr. Blumenauer, Mr. Sandlin, Mr. Kennedy of Rhode Island, Mr. Price of North Carolina, and Mr. Nethercutt.

H. Con. Res. 322: Mr. Coble and Mr. Lantos.

H. Con. Res. 323: Mr. Kildee, Mrs. Morella, Mr. Stark, Mr. Cummings, Mr. Cook, Mr. McGovern, Mr. McNulty, and Mr. Lantos.

H. Res. 187: Ms. Woolsey.

H. Res. 347: Mr. Brady of Pennsylvania.

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: At the end of title VII of the bill, add the following new section:

SEC. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans."

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 13: Page 95, after line 19, insert the following:

SEC. 809. REPORTS.

Not later than 1 year after the date on which the President terminates an existing unilateral agricultural sanction or medical sanction pursuant to section 803(b), and not later than 1 year after the date on which a new unilateral agricultural sanction or medical sanction is terminated pursuant to section 803, the President shall prepare and transmit to Congress a report that contains a description of any occurrence of food or medicine that has been prevented from reaching intended populations by the foreign country or foreign entity involved, any occurrence of stockpiling of food or medicine that has been prevented from reaching intended populations by the foreign country or foreign entity involved, and any effort by the country or entity involved to foster distribution of food and medicine to the population.

Page 95, line 20, redesignate section 809 as section 810.

H.R. 4461

OFFERED BY: MR. CAPUANO

AMENDMENT NO. 14: Page 21, after line 4, insert the following new paragraph:

For an additional amount to prevent, control, and eradicate pests and plant and animal diseases, $3,100,000, to remain available until expended: Provided, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 15: Page 85 after line 15, insert the following new section:

SEC. The Secretary of Agriculture shall use not more than $80,000,000 of the funds of the Commodity Credit Corporation for equity capital and grants to establish farmer-owned cooperatives composed of small- and medium-sized producers and other cooperatives that create opportunities in rural America, for feasibility studies, business development strategies, restructuring small- and medium-sized enterprises, and the processing and marketing of agricultural commodities (including livestock), which amount shall remain available for such purpose until expended: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. The total amount of equity capital and grants provided to a single entity under this section shall not exceed $10,000,000.
The Senate met at 9:31 a.m. and was called to order by the Honorable Rick Santorum, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, as we begin this day of work here in the Senate our minds are focused on the people of New Mexico who have suffered the loss of their homes and personal property in the tragedy of the forest fires in both the northern and southern parts of the State. Especially, our hearts go out in profound sympathy for fire fighter Samuel James Tobias who lost his life while flying a spotter plane over the forest fires. Comfort his family and continue to give courage to his fellow fire fighters.

Father, we are profoundly grateful for the heroic service of fire fighters, police and emergency personnel who face danger and possible loss of life to preserve our forests, natural resources, homes, and our very lives.

Now, as we turn to the responsibilities of this day we ask You to fill the wells of our souls with Your strength and our intellects with fresh inspiration. Here are our minds, enlighten them; here are our wills, quicken them; here are our bodies, infuse them with energy. For You, Dear God, are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Rick Santorum, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The Presiding Officer. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Thurmond].

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Rick Santorum, a Senator from the State of Pennsylvania, to perform the duties of the Chair, Strom Thurmond, President pro tempore.

Mr. Santorum thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The Acting President pro tempore. The majority leader.

SCHEDULE

Mr. Lott. Mr. President, today the Senate will be in a period of morning business, with Senators Grams and Durbin in control of the time until 11:30 a.m. Momentarily, I intend to propose a unanimous consent request that provides for debate on two FEC nominations, beginning at 11:30 a.m., and consuming the remainder of the day. There will also be debate time on several judicial nominations, with any votes ordered during today's session to occur on Wednesday.

For the information of all Senators, it is my intention to begin consideration of the legislative branch appropriations bill, as well as the Agriculture appropriations bill, later this week. It is hoped that the Senate can complete action on both of these very important spending bills prior to the Memorial Day recess.

Now, again, for the information of Senators, we will have this debate on the nominations throughout the day. Beginning tomorrow, in the morning, I presume, right after the opening activities, we will go to the legislative branch appropriations bill. We hope to be able to finish that in a reasonable period of time. But regardless of that, sometime in midafternoon—I presume, 3:30, 4:00, 4:30; we will have to look at the time and work out that exact time—we will begin a series of votes that will probably mean votes on either four or five or six—I hope it is five or four and not the full six, but we could still have as many as six votes in a row Wednesday afternoon. Then we hope to turn to the Agriculture appropriations bill.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. Lott. In executive session, I ask unanimous consent that at 11:30 a.m., Tuesday, May 23, the Senate proceed to executive session to consider Executive Calendar No. 436, the nomination of Bradley Smith to be a member of the FEC. I further ask consent that debate be limited on the nomination as follows: Senator McConnell, 2 hours; Senator Dodd, or his designee, 2 hours; Senator Wellstone, 2 hours; Senator McCain, 2 hours; Senator Feingold, 2 hours.

I further ask consent that following the use or yielding back of time, the nomination be laid aside, with a vote to occur on the confirmation of the nomination during Wednesday's session of the Senate at a time to be determined by the two leaders, with 20 minutes for closing remarks, equally divided, just prior to the vote. If we need a few more minutes than that, we will work with the interested parties to see if that can be achieved.

I also ask consent that immediately following that vote, the Senate proceed
to a confirmation vote on the nomination of Danny McDonald, Calendar No. 435.

I further ask consent that also on Tuesday, May 23, the Senate then proceed to the nomination of Timothy Dyk to be a U.S. circuit judge, Calendar No. 291, and the debate be limited to the following: Senator Sessions, 30 minutes; Senator Hatch, 15 minutes; and Senator Leahy, 15 minutes.

I further ask consent that on Tuesday, the Senate proceed to Calendar No. 498, the nomination of Gerard Lynch, and there be 40 minutes of debate, equally divided, between the opponents and proponents. I also ask consent that all debate time on the nominations be consumed or considered yielded back during Tuesday's session of the Senate.

I further ask consent that the vote occur on in relation to the Dyk nomination third in the voting sequence, to be followed by votes on Executive Calendar No. 498, No. 519, and No. 520.

I ask unanimous consent that immediately following those votes, the Senate immediately proceed to the consideration on Wednesday, to be followed by votes on Executive Calendar No. 498, the nomination of Gerard Lynch, and there be 40 minutes of debate, equally divided, between the opponents and proponents.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. I object. The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LOTT. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I amend the unanimous consent request which stated there would be 20 minutes for closing remarks, equally divided, just prior to the vote. I amend that to say, 20 minutes for closing remarks, equally divided, plus an additional 10 minutes for Senator McCain and 10 minutes for Senator Feingold.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DASCHLE. Reserving the right to object, let me just say that there are 19 nominations still pending on the calendar if we are able to adopt this unanimous consent request today. Some of those nominations have been on the calendar for well over a year. I think it is fair to say that every member of the caucus on our side that to hold nominations that long is cruel. It is wrong. It should not be tolerated. We are in a position to clear all nominations, including those 19.

I ask whether the majority leader might be able to clear those as well?

Mr. LOTT. Mr. President, I will respond, I know that at least one appointment is waiting on a companion appointment from the administration, where you have a Democratic nominee for a commission or a board, and we usually try to move them together. That is one case. Then we have seven IRS members who can be cleared if—I understand there is opposition to at least one of those from the Democratic side.

But my goal in working to get this large package done is so we can continue to work to get companion nominations and move more nominations. I discuss this with Senator Daschle yesterday. It is not easy, but we hope to continue to work together to get the nominations in a position where they can be cleared, or where we have debate time and a vote and arrange for that to occur. We will keep working on it. It is better to have some 70 or more nominations if this entire package is completed, and if all of them—well, it will either be voted on and approved or defeated, leaving only 19. So that is a major step toward getting nominations confirmed.

Mr. DASCHLE. Reserving the right to object, and I will not, obviously, I hope the majority leader will work with us to work through these 19 names. As I say, some of them have put their lives on hold now for over a year. It is just intolerable to them, and it should be intolerable to us that we would accept that kind of a practice. I will work with the majority leader and, hopefully, resolve these outstanding problems. I will not object to this request.

Mr. FEINGOLD. Mr. President, reserving the right to object, I simply thank both the leaders for their patience in working out this very difficult agreement. I appreciate the majority leader extending us time prior to the vote to summarize our arguments.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we now in morning business?

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes without having that time come off of the time allocated to the Senator from Minnesota, who, I understand, has time reserved during this period of morning business.

The ACTING PRESIDENT pro tempore. The Senator has time until 10 o'clock. The Senator from Minnesota has time until 10 o'clock.

Mr. GREGG. I ask unanimous consent that I be allowed to speak for 5 minutes and that his time be extended to reflect the time that I will take.

The ACTING PRESIDENT pro tempore. There are sequential times after this. The Senator from Wyoming has until 10:30, and the Senator from Illinois has until 11:30.

Mr. GREGG. I ask unanimous consent that my 5 minutes come off of the time of the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIERRA LEONE

Mr. GREGG. Mr. President, I wanted to speak about Sierra Leone and especially about the attempts I have made to address this issue as chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary.

The New York Times and a number of other daily papers have reported that I have limited the ability of the State Department to spend money on behalf of the United Nations, or send money to the U.N. for the purpose of peacekeeping in Sierra Leone, and that is correct. However, the numbers that the New York Times, at least, used were incorrect.

I think the record needs to be corrected. I presume this story came from a momentum within the U.N. to try to put pressure on the Congress to spend money on U.N. initiatives. Obviously, the U.N. feels that by using our media sources in this country, they can influence the activity of the Congress, specifically of the Senate. However, I would have hoped that the New York Times reporter would have reviewed the actual facts and determined the facts before reporting them as facts. Obviously, this reporter got his information from somebody, I presume, at the U.N., or maybe the State Department, and did not bother to check the facts.

It was represented in the story, for example, that the amount of money that was owed to the U.N. in the area of peacekeeping was somewhere in the vicinity of $1.7 billion. This number is inaccurate and the story was, therefore, inaccurate.
Let me review the numbers specifically. In accounting for the amount of money that the U.N. owes, there is a regular budget assessment of approximately $300 million. This is included in the $1.7 billion, which I presume they got from us, but they did not have gotten to that number. However, that $300 million is not owed. We paid that money on a 9-month delay. We have always paid it on a 9-month delay because of the budgeting process of the Federal Government. So you cannot reduce that number by the $300 million figure because that money will be paid on October 1, as it always is.

Second, the Times must have been counting as a U.N. assessment the peacekeeping monies of $500 million. Well, the $500 million is the amount we have allocated for peacekeeping in our budgets for the benefit of the U.N. But that $500 million has not yet been called upon by the U.N. In fact, of that $500 million, we have received requests for approximately $300 million. We have not received requests for the full $500 million. We have received requests for about $300 million. We have paid about $300 million, we have received requests for approximately $55 million. The balance is in issue, but it is being worked out. So that number is inaccurate, and you can reduce that $1.7 billion by at least $200 million. The way it has been presented is misleading.

Third, the Times must have been counting the $2.9 billion which is an arrearage payment. The arrearage issue was settled last year. It had been delayed for 3 years because of the Mexican City language, which did not need to be delayed. But the administration put such a hard line on obscure language, such as the Mexico City Planned Parenthood that they ended up tying up the arrears that we as the Senate were willing to pay. We appropriated that money every year, by the way. There was an agreement reached between the State Department and the White House, known as the Helms-Biden agreement, which said we would pay that money. So that money is in the pipeline to be paid, subject to the U.N. meeting certain conditions. That is not in issue.

So when you take all the numbers, there is no $1.7 billion at issue. Actually, it is closer to $100 million than $1.7 billion. So the exaggeration in the story was inaccurate. It reflects, I think, shoddy journalism. Secondly, the story implied that my position was basically an isolationist position and that I am opposing peacekeeping everywhere in the world. No, in fact, we have approved peacekeeping in my committee in a number of areas. We have approved peacekeeping in the Golan Heights for $4 million, Lebanon for $15 million, Cyprus for $3 million, Georgia for over $3 million, Gabon for $2 million, and the Yugoslavia and Rwanda War Crime Tribunal for $22 million. The list goes on and on.

So we have approved a significant amount of peacekeeping dollars for a variety of different missions that have been undertaken by the U.N. However, the problem I have is that in Sierra Leone, what we ended up doing was essentially sucking out into power parties who had committed rape, murder, and atrocities against the people of Sierra Leone. And instead of having these people brought to justice under the War Crimes Tribunal, as they should have been, what we have done is endorsed these people in the Lome Accord and said they should be brought into the Government. That policy makes no sense.

We are seeing a deterioration of that policy by what is happening to the peacekeepers in Sierra Leone today. Instead of taking weapons from the rebels who are basically killing people arbitrarily and, as part of the policy, hacking limbs off of people—instead of taking their weapons, the U.N. has given them more weapons than it has taken in Sierra Leone.

Right now, we still have actually hundreds of U.N. peacekeepers who have been taken hostage over there. Why? Because the policy being pursued in Sierra Leone was misdirected from the start. We should not have been making peace. We should not have been bringing into the Government people who acted in such a barbaric way toward their own people. We should have been taking their limbs. We should have been sending in U.N. peacekeepers—in Sierra Leone honoraria we may not want to—people who had the capacity and the equipment to defend themselves, and had the portfolio and the directions so they could defend themselves and use force.

Unfortunately, we didn’t send those types of troops in there—or the U.N. didn’t. America is complicit in this. American taxpayers have to ask themselves, who is using this money? Why would we want to spend money to support, encourage, and endorse people who are essentially criminals and moving those criminals into the Government of Sierra Leone and giving them the authority to act? Well, that was my reason for putting a hold, as we call it, on this. It was actually a denial of the funds for Sierra Leone.

It appears, having said that, I guess, that suddenly people have awakened and are, I don’t know, maybe it is for the right. In fact, as of yesterday, the State Department changed its position as to the rebel leader over there. Instead of him being a conciliatory, positive force for the basis on which they might base the peace accord over there, this person—or people—should be brought before an international tribunal when they have committed crimes against humanity, which this individual clearly has. Maybe there is a shift of attitude occurring within the State Department because that would move us down the road towards resolving this issue. But the representation that the committee chair, and in which the ranking member, Senator Hollings, participates in very aggressively, has in some way opposed peacekeeping is inaccurate. The numbers used in the article are inaccurate. The fact is, we have raised legitimate concerns to protect the taxpayers of this country, which is our job. I believe we are doing it effectively.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, time until 10:30 a.m. He will not be to the floor right away. I ask unanimous consent to have 15 minutes of additional time from Senator Thomas’ time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOCIAL SECURITY REFORM

Mr. GRAMS. Thank you very much.

Mr. GRAMS. Thank you very much. Mr. President. I understand Senator Thomas is to control the time from 10 a.m. until 10:30 a.m. He will not be to the floor right away. I ask unanimous consent to have 15 minutes of additional time from Senator Thomas’ time.

Mr. GRAMS. Thank you very much. Mr. President. I understand Senator Thomas is to control the time from 10 a.m. until 10:30 a.m. He will not be to the floor right away. I ask unanimous consent to have 15 minutes of additional time from Senator Thomas’ time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.
The Clinton-Gore proposal would not extend this date by a single year. They simply put more IOUs in the Social Security trust fund which will significantly increase the national debt, and then claim they have saved Social Security.

But their numbers simply do not add up. Between 2015 and 2036, the government will have to come up with $11.3 trillion from general revenues to make up the annual shortfall in the Social Security trust fund. This is nearly three times the amount the government will save from paying down the publicly held debt during that period.

Worse still, the Clinton/Gore plan does not trust the American people to manage their own money, and they instead propose government investment of Americans' Social Security surplus—their recent denial that their plan called for the government to invest payroll taxes in the stock market. "We didn't really propose it. We talked about the idea," he said.

Vice President Gore obviously has a short memory. He forgot their government investment proposal was included in their budgets for FY 1999, FY 2000 and FY 2001.

I remember when the Clinton administration first proposed the government investment scheme, I asked Federal Reserve Chairman Alan Greenspan whether we should allow the government to invest the Social Security Trust Funds in the markets and whether or not this was the right approach. Here are his exact words:

"No, I think it's very dangerous... I don't know of any way that you can essentially invest government IOUs which exist today with the benefits the Government has promised and yet avoid the risk that any government investment scheme is going to be used to support a few at the top. That is the risk that any government investment scheme is going to be used to support a few at the top. That is the way the system was. It worked then because we don't have a lot of time this year.

Vice President Gore is just plain wrong about Social Security. The system will be bringing in less money than the demand will be for those benefits, and the Social Security trust funds would go broke in 2037; that is, if we could turn the IOUs between now and the year 2015 into cash and be able to use them to supplement the system. Without it, the American taxpayer is going to be asked in 2015 to begin paying higher taxes to redeem those IOUs which exist today with the pay-as-you-go system.

Why are we in trouble? Why is it being stretched to the limit? In 1940, there were about 100 workers for every person on retirement. You remember the old Ponzi system, the pyramid scheme, where you had a lot of people at the bottom and you could support a few at the top. That is the way the system was. It worked then because of the pyramid style of 100 workers and 1 retiree. Today there are about three workers for every retiree. By the year 2050, there will be about two workers for every retiree.

So you can see the strain that we are putting on the system. But what is the system? That system is going to be your children, your grandchildren, and your great-grandchildren. They are going to be put under a tremendous financial strain in order to support an outdated system.

As I mentioned, right now we are in a surplus mode. But by the year 2015, we are going to begin accumulating deficits, and this is going to continue on a very downward pattern over the next 70 years. This is what we are going to accumulate. The Government is going up short with more than a $20 trillion shortfall between the year 2015 and the year 2070. That means these are the benefits the Government has promised to pay and this is what we are going to come up with, and we will be paying for it from the current FICA tax or withholding tax in order to pay these benefits.

From where is this $20 trillion-plus going to come? As I said, it will come from paying back the IOUs that have already gone out. It is the American taxpayer who is going to see a 20% increase of at least twentyfold in order to do this.

My plan, which is a totally funded retirement system, is going to cost—our estimate—at least $3 trillion, and it is going to take a little bit shorter curve in over to attain by the year 2050. We need to solve this problem, and we will be in the black a system that will pay for itself by the year 2015. But if you look at the current system, in the year 2070, it is $20 trillion in debt, and it is heading down as early as 2015 to an ever increasing rate.

I am going through these a little fast because we don't have a lot of time this morning. But I will try to get in all of this information.

This is an image we have facing Social Security today is doing nothing at all.

Again, this is the way Vice President Gore has framed the debate. Let's
The Social Security trust fund is nothing but IOUs. If this is how the system will remain solvent, I say why not write an IOU to yourself? Make it for $1 million; put it in your checking account. How many banks will allow you to write a check? Not one, until you redeem the IOU.

To pay promised Social Security benefits, the payroll tax paid today, which is one-eighth of everything taxpayers make, will have to be increased by at least 50 percent or benefits will have to be reduced. We are leaving our kids and grandchildren a future of paying more for retirement, getting less, and they are talking of raising the retirement age further. Is that the kind of system we want to leave our children? I don’t think so.

Payroll taxes keep rising. Today, in the year 2000, 15.4 percent of your income is deducted in FICA taxes to pay for Social Security and Medicare. By the year 2030, that of Avenue will be about 23 percent, according to low estimates; it will be about 28 percent according to even higher projections. Somewhere in between is what we are going to see our children paying in FICA taxes. If they are paying nearly 30 percent in FICA taxes, and thrown on top of that is an average of 28 percent Federal taxes, we are now up to 48 percent. My home State of Minnesota has an 8 percent State tax, so now we are 57 percent. Add in your sales tax, estate tax, property taxes, and everything, and our children are going to be paying taxes that could be in the range of 65 to 70 percent of their income. Again, is this the future we want to leave our children?

Diminishing returns of Social Security is another problem. Right now, Social Security is paying less than a 2 percent return. My lockbox says we have promised not to take one dime from Social Security funds. If we are honest about not taking a dime out of Social Security, we should do that.

My plan, the six principles for saving Social Security, protects current and future beneficiaries. Anyone on Social Security today or wishing to retire and staying with this system—that is your option—we guarantee protection of future benefits. That is a guarantee we have to make. Seniors today and those who want to retire should not be afraid of allowing their children or grandchildren to pay. We guarantee your benefits today. This is an agreement I believe the Government has made with you. Taxpayers have said: I will pay into the system, and I expect a retirement benefit in return. That is the agreement. I think we need to make sure that happens.

Allow freedom of choice—your kids, your grandchildren to have the chance to have a private retirement account.

Preserve the safety nets for disabilities and surviving beneficiaries.

Create a funded system. And no tax increases in the future.

The Grams plan, the Personal Security and Wealth in Retirement Act I introduced in September last year, and in the 106th Congress, my staff says, is the third rail of politics. Members cannot talk about Social Security or our retirement future. We need to lock away the Social Security trust dollars for Social Security and keep Washington’s big spenders from using trust fund dollars for other Government functions. I introduced a Grams Social Security lockbox concept that takes care of this.

The Social Security lockbox is very important. The moneys we are taking in are necessary to Social Security, needs to be locked away. We need to save the Social Security trust fund dollars for Social Security and keep Washington’s big spenders from using trust fund dollars for other Government functions. I introduced a Grams Social Security lockbox concept that takes care of this.

The Grams lockbox offers a double lock on Social Security. It triggers an automatic reduction in all Government spending when Congress Members’ pay, if any of the Social Security surplus is spent, returning it to the Social Security trust fund. In other words, in Washington, we are always at “best guess” estimates. We have an estimate on what our revenues will be, we have a best guess on estimates on what spending will be. My lockbox says we have promised not to take one dime from Social Security. If the estimates are off, even if only off a million dollars, all other spending would be reduced so Social Security would not pay one dime.

Right now, any deficit spending has to come out of the surplus, and that is out of Social Security funds. If we are honest about not taking a dime out of Social Security, we should do that.

We hear the scare tactics; we will invest your money and lose it. Some do better than others. They say you are too dumb to manage your own money. You don’t know how to save for your future.

Our plan says we have faith in you. Under Government-approved guidelines as those used in your IRAs and the FDIC account at your banks, provisions are made for safety. These plans are the same. Your retirement would be safe, sound, and secure. The only difference is it would accumulate and grow much faster, and taxpayers receive much better returns than Social Security.
For those who say: I have paid into Social Security for so long, first, if your wages are $30,000, under Social Security today, $3,720 is put into the Social Security account. Under my plan, $3,000 goes into your account. A paycheck of $3,000 would be absorbed in 20 years and then would be a tax cut. Ten percent of your salary would go into your account to begin to grow assets for you and your family. If you make an average of $36,000 a year, after your lifetime of work, $1,280 a month is your maximum benefit from Social Security. Take 10 percent, put it into an average return market account, and your retirement would be $6,514 a month, a much better return for your retirement than the $1,280. These are the same scenarios, as we have seen in the markets as of late. Based on an income of $36,000—we have heard of everything from taking just 2 percent of the 2.4, maybe taking 6 percent or about half of the Social Security. My plan will put it all into private accounts, and these are what we could expect as the differences.

After 20 years at 2 percent, you would only have $35,000 in a separate account. Under our plan, you would have, after 20 years, $168,000. But after a lifetime at an average income of $36,000, if you could take 10 percent of your wages and put it into a personal retirement account, you would have, not $171,000 but $355,000 cash money in an account for you and your family for your retirement benefits and part of your estate as well. That is for a single worker.

An average family in the United States right now has an income of about $50,000. If we could take the same scenarios, after a lifetime of work, under 2 percent, you would set aside an additional $278,000 for your retirement—better than Social Security, granted, because this will be a supplement to that. But if you could put 10 percent away, you would have nearly $1.4 million put away for your retirement—$1.4 million put away for your retirement. That is after 40 years at 10 percent, with an average salary of $58,000 a year—$1.4 million on which you can retire.

We look at Galveston County, TX. When Social Security was implemented in 1936, one part of the law said if you were a public worker and had a private retirement account, you did not have to go into Social Security. We have something like 5 million Americans who are public employees today who have their own private retirement accounts and are not in Social Security. Galveston County, TX, was one of those. They just began in 1960, by the way, because an administrator found a loophole in the law. Of course, that was closed after Galveston County got out.

But this is a comparison between Social Security and what Galveston County pays. They are very conservatively investing only in annuities, not necessarily in the market. This is what they paid:

Social Security death benefit? My father passed away at 61 and received zero from Social Security, except for a $253 death benefit after a lifetime of work, investing in Social Security—$253. In Galveston County: A minimum death benefit of $7,500. Disability under Social Security—maximum—$1,280; for Galveston it is now $2,800 dollars.

In retirement benefits per month: Social Security, $1,280 maximum; in Galveston, $4,792—much better returns.

One lady’s husband was 42; she was 44. He passed away suddenly from a heart attack. All she could say was, “Thank God that some wise men privatized Social Security here. If I had had regular Social Security, I’d be broke. I now have a pension from poverty with her three children. After her husband died, Wendy Colehill was able to use her death benefit check of $126,000 to pay for his funeral and enter college. Under Social Security, she says, her pension invested over the last 5 years—a 10-percent return. I said our numbers are based on a conservative 7 percent. The pool of PRAs in Britain exceeds nearly $1 trillion today. That is how much they have accumulated in this account. That is larger than the entire economy of Britain, and it is larger than the private pensions of all other European countries combined. This is what the British workers have set away for their retirement.

Say you are 45 year old. You say: I have worked 20 years; I paid into the system; How am I going to let that go? A lot of young people who are 45 say: If you just let me out of the system, you can keep everything I paid in. But they say, if you let me out of the system; How am I going to let that go?

We need to have a recognition bond. This is a sample. But if you have paid in $7,000 or $9,000, we should recognize that in a bond—that put into your private account as seed money and pay you interest on it, due and payable when you reach the age of 65. If you choose to remain within the current system, the Government will guarantee your benefits—again, part of that game on a lot of things here in the United States, which we are in most cases, but when it comes to Social Security, we are behind the curve of what other countries are doing.

British workers chose PRAs with 10-percent returns. The question is, Who could say no to that? If three British workers are now enrolled in the second-tier; that is, private parts of their social security system. They chose to enroll in PRAs. British workers have enjoyed a 10-percent return on their pension investment over the last 5 years—a 10-percent return. I said our numbers are based on a conservative 7 percent. The pool of PRAs in Britain exceeds nearly $1 trillion today. That is how much they have accumulated in this account. That is larger than the entire economy of Britain, and it is larger than the private pensions of all other European countries combined. This is what the British workers have set away for their retirement.

The difference between San Diego’s system of PRAs and Social Security is more than three times better under the plan who oppose PRAs—and there are many in this Senate who say, as Vice President GORE says, you just cannot handle your own retirement—agree that the system in San Diego is better.

This is a letter written from Senator BARBARA BOXER, DIANNE FEINSTEIN, and TED KENNEDY, among others, to President Clinton. Under the President’s plan for privatizing any part of Social Security, he wanted to take all these employees and bring them into private accounts. Take into Social Security. Take Galveston County, San Diego, take all of them, and they would have had to become part of Social Security. But Senators BOXER, FEINSTEIN, and KENNEDY, among others, wrote to the President and said:

Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security.

So we cannot leave San Diego alone.

My question is, If Social Security is so much better, why don’t the residents of San Diego, or the workers, get to enjoy that? But if private retirement accounts are better, why don’t you and I get to enjoy the same thing as these three Senators speak of for San Diego?

The United States trails other countries in saving its retirement system. For nearly 19 years Chile offered PRAs; retirement benefits in the system, and their average return last year was 11.3 percent. They have had much higher than that, but last year it averaged 11.3 percent. Among other countries that are going to private retirement accounts—and I am talking totally private retirement accounts—and I am talking totally private retirement accounts, there are 11 others. Thirty countries today are considering doing that.

We like to think we are ahead of the game on a lot of things here in the United States, which we are in most cases, but when it comes to Social Security, we are behind the curve of what other countries are doing.

British workers chose PRAs with 10-percent returns. The question is, Who could say no to that? If three British workers are now enrolled in the second-tier; that is, private parts of their social security system. They chose to enroll in PRAs. British workers have enjoyed a 10-percent return on their pension investment over the last 5 years—a 10-percent return. I said our numbers are based on a conservative 7 percent. The pool of PRAs in Britain exceeds nearly $1 trillion today. That is how much they have accumulated in this account. That is larger than the entire economy of Britain, and it is larger than the private pensions of all other European countries combined. This is what the British workers have set away for their retirement.

Say you are 45 year old. You say: I have worked 20 years; I paid into the system; How am I going to let that go? A lot of young people who are 45 say: If you just let me out of the system, you can keep everything I paid in. But they say, if you let me out of the system; How am I going to let that go?

We need to have a recognition bond. This is a sample. But if you have paid in $7,000 or $9,000, we should recognize that in a bond—that put into your private account as seed money and pay you interest on it, due and payable when you reach the age of 65. If you choose to remain within the current system, the Government will guarantee your benefits—again, part of that game on a lot of things here in the United States, which we are in most cases, but when it comes to Social Security, we are behind the curve of what other countries are doing.

British workers chose PRAs with 10-percent returns. The question is, Who could say no to that? If three British workers are now enrolled in the second-tier; that is, private parts of their social security system. They chose to enroll in PRAs. British workers have enjoyed a 10-percent return on their pension investment over the last 5 years—a 10-percent return. I said our numbers are based on a conservative 7 percent. The pool of PRAs in Britain exceeds nearly $1 trillion today. That is how much they have accumulated in this account. That is larger than the entire economy of Britain, and it is larger than the private pensions of all other European countries combined. This is what the British workers have set away for their retirement.

Say you are 45 year old. You say: I have worked 20 years; I paid into the system; How am I going to let that go? A lot of young people who are 45 say: If you just let me out of the system, you can keep everything I paid in. But they say, if you let me out of the system; How am I going to let that go?

We need to have a recognition bond. This is a sample. But if you have paid in $7,000 or $9,000, we should recognize that in a bond—that put into your private account as seed money and pay you interest on it, due and payable when you reach the age of 65. If you choose to remain within the current system, the Government will guarantee your benefits—again, part of that game on a lot of things here in the United States, which we are in most cases, but when it comes to Social Security, we are behind the curve of what other countries are doing.
Board, an independent agency, will oversee the PRAs. Investment companies that manage it would have to have an insurance plan to have survivors benefits, disability benefits, and also a floor that says you would never get less than 2.5 percent of your investment in any year. By the way, you choose the company with which you want to put your money. If it is better somewhere else, you can move your money.

Chile has 16 companies that do this with a population of under 20 million people. In our country, we would probably have 100 firms. Just look at the numbers of mutual funds you can choose from today.

You also decide when to retire. This is an important part. Under the current system, the Government tells you how much you are going to pay into the system; the Government tells you when you are going to retire; you have no choice, and the Government tells you what you are going to get as a benefit. They determine everything. You have nothing to say about it. You are being led along like sheep into this system.

Ours says when you reach this 150 percent of poverty, if you can buy an annuity that will pay you the rest of your life at that, you can stop paying into the system. You can retire at that time. I don't care if you are 40 years old. Once you have met that requirement, you can get out of this system. You will no longer be considered a ward of the State; you will have enough to provide for your retirement. Some choices: In divorce cases, PRAs are treated as community property. Upon death, a PRA benefit will go to the heirs without estate taxes.

Think, if you had that $1.4 million in your account when you die—not like my father who got $253, but whatever you had accumulated in your account, up to that or more, that would be your money that would go to your heirs without estate taxes, without capital gains. Workers could arrange PRAs for nonworking children. They could put $1,000 in their account, and when they reached the age of 65, it would be $250,000.

There will be no new taxes for this system. Retirement income would be there for everybody, whether you stayed within Social Security or chose to build a personal retirement account. In Minnesota, workers can decide when to retire and which options work best for them. With PRA, average returns would be at least three to five times better.

This is the system. I hope when we continue these debates, and when people hear these scare tactics, remember, that is all they are, rhetoric and scare tactics. We can develop a system that will be safe, sound, and will preserve better retirement benefits than we have today.

We should have that chance for our children, just as other countries. When hearing this debate, set aside the rhetoric and scare tactics and look at the numbers. I hope we can continue this debate because this is a very important part of America's future.

I yield the floor.

The PRESDING OFFICER (Mr. CRAMER): The Senator from Maine, Mr. COLLINS.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed under the time reserved for the Senator from Wyoming, Mr. Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mrs. BOXER. Point of order: Is the Senator's time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent that this Senator's time be extended for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

I also commend Gov. George W. Bush for his bold and, I think, prescient decision to move forward on the issue of personal retirement accounts for Social Security. This is the kind of leadership this country is looking for, someone who is going to tell the truth to the country, let them know what the decisions to be made are with the most important social program in this country, Social Security. The Governor laid out very clearly the options before us: We can either raise taxes, we can cut benefits, or one can invest some of the current Social Security revenue stream into stocks and bonds. He came out and said: I am for investment. That is the way we are going to solve this problem and create opportunities for every working American, with every working American sharing a piece of the American dream, the free spirit of America.

I commend him for that, thank him for his leadership, and look forward to talking about this issue over the next several months to move this issue forward for America.

The PRESDING OFFICER. The Senator's time has expired.

All the time of the Senator from Wyoming has expired.

The Senator from California.

SOCIAL SECURITY

Mrs. BOXER. Mr. President, it is interesting that Senator Grams and Senator Santorum came to the floor to praise Governor Bush's Social Security plan. I come here to express my deep alarm over this plan and to place into the record the reasons I believe it is very dangerous to the future of this country, to our senior citizens, and to those who really depend on Social Security for themselves or for their aging parents.

I think the first question to ask is, What is Social Security? Why is it called security? I used to be a stockbroker. I can tell you that I have seen the smiles when the market goes up, and I have seen the tears when the market goes down. At the time I was a broker, there was a very traumatic period in our history. It was the tragic assassination of our great President John Kennedy. I will never forget, the market was just crashing that day. It went down so much that there was a halt in the trading. Anyone who retired that day, and who had a 401(k), it would have been in the deepest trouble.

I believe in investments in the stock market. I believe in investments in the bond market. I think it is very important that we let our people know Social Security is not meant to be your full retirement. What it is meant to be—and what it has worked so well as—is a basic foundation, a safety net, not guesswork but a basic return you can expect every month with a check you can get which will meet your basic needs. Let me describe it this way: You have a house. It is very modest, but it is good. It has a roof. It protects you. It is a place where you can be comfortable, warm. It works for you.

Maybe you want to add a room to that house. That is wonderful. That is an amenity. That is something additional you could use—a family room, an extra bedroom. But you do not mess with the foundation. You keep that a solid house—that Social Security. Anyone who challenges this idea is making a huge mistake. I will explain why.

You do not have to go that far to look at the ultimate result if we just said: People can just have individual accounts and forget Social Security. Because we know that happened in Texas. I will show you what happened in Texas when three counties left Social Security and went into the market and said to their people: We will allow you to deal with your accounts. This isn't theoretical; it has actually happened in Texas. Let me tell you about the Texas example where every single family lost out.

It was the same idea Governor Bush has. He started off talking about 2 percent of your Social Security being diverted. As I understand it, last week he said he could foresee a time when everybody has private accounts, 100 percent. We know what happened in this experiment. The source here is the U.S. General Accounting Office, February 1999.
They did a study of the Texas experiment. This is what happened. Those counties went off Social Security, instead of saying: We will have a supplemental plan, like a 401(k). Keep your Social Security. Let’s do a supplemental plan—where they just said forget Social Security, we will have an individual account—they are getting $542 a month. That is utter poverty. If they are in the median, the moderate income, instead of getting $1,498 a month from Social Security, they are earning $810 a month. If they are in the highest income, instead of getting $1,984 a month, they are getting $1,621 a month.

By the way, around here, a lot of us have a supplemental plan. We have our basic Social Security, and then we have what we call thrift savings, which is added on. That is fine. But we do not mess with Social Security.

These counties messed with Social Security. They walked away. This is what happened: The bottom 10 percent of earners, had they stayed in Social Security, would be getting a monthly benefit of $1,125. But in their retirement plan—where they just said forget Social Security, we will have an individual account—they are getting $542 a month.

First of all, there is no question that private accounts will lead to the reduction of benefits. Why do I say that? I want to make sure people understand that, because when you divert money away from Social Security into private accounts, what happens? The Social Security fund drops, and we do not have enough money to keep paying those benefits. So benefits would have to be cut. Women live longer, and they would have to keep up with the cost of living. Those people would lose more; they would suffer more.

Now, here is an irrefutable fact, and the group that analyzed this was the Center on Budget and Policy Priorities. With just a 2-percent privatization—in other words, taking 2 percent of your Social Security taxes and putting it into an individual account—the trust fund will go broke in the year 2023. That may sound like a long way off, but trust me when I tell you it is not; 20 years is not a lot of time. Remember back to 1980, and it doesn’t seem that long ago. Twenty years from now, with the 2-percent privatization that George Bush is calling for, assuming he does nothing to cut the benefits—and he won’t admit to that—the trust fund goes broke.

Right now, without doing anything, the trust fund is solvent until 2037, so we make this trust fund go broke by many years. That is 14 years sooner that the trust fund is broke. At Gore has a plan to take the interest payments on the debt he is going to save because he is more conservative than George Bush in paying down the private debt, which is the bonds. He is going to absolutely make sure we don’t have to keep issuing more bonds and we will pay down that debt. His plan keeps the funds solvent until 2050.

So let’s take a look at the three scenarios. If you do nothing, the fund is solvent until 2037. If you follow the Gore plan, the fund is solvent until 2050. And you don’t cut benefits or raise taxes—which he will not tell us what he is going to do—you go bust in 2023. This is from a conservative. We know if you carry this plan to the ultimate extreme and go beyond 2 percent, you essentially know, from looking at what has happened before, people will suffer. You set up a real problem and you may have to do an S&L-type bailout. That is not good.

So the women Democratic Members are very clear on all of this. Let me say, in closing—and I know my friend, Senator DURBIN, is anxious to address this issue—I think a robust debate over Social Security is right on target. I think encouraging people to save and put money into the stock market and have a nest egg there is good because I believe that is a good idea. But don’t mess with Social Security. If you want something new, propose a mutual fund like a thrift savings plan, or a basic Social Security plus a 401(k), a thrift savings plan, and IRA, added on to the basic safety net, that is just fine. I believe in that. I think it is smart and good. But if you mess with the foundation, you are in a lot of trouble.

Senator SCHUMER was talking about this earlier today. He made the point that he is saving for his kids’ college education. He decided he needed to have some safety net or, as he put it, a real problem and you may have to do an S&L-type bailout. That is not good.

Senator SCHUMER was talking about this earlier today. He made the point that he is saving for his kids’ college education. He decided he needed to have some safety net or, as he put it, a real problem and you may have to do an S&L-type bailout. That is not good.

Senator SCHUMER was talking about this earlier today. He made the point that he is saving for his kids’ college education. He decided he needed to have some safety net or, as he put it, a real problem and you may have to do an S&L-type bailout. That is not good.

Senator SCHUMER was talking about this earlier today. He made the point that he is saving for his kids’ college education. He decided he needed to have some safety net or, as he put it, a real problem and you may have to do an S&L-type bailout. That is not good.
four, strengthen the financing of the Social Security system while ensuring that women and other economically disadvantaged groups are protected to the greatest degree possible.

Look at that plan. Does it further reduce poverty among older women? I told you, they win in Mueller's world. We certainly want to see if it includes retirement savings options. Are these options something that will work for women? That is where we are.

I will close by repeating a quote from an expert into Congress, Representative Jack Kemp, who said:

The largest group of losers from “privatizing” Social Security would be women. This is true for women in all birth years, all kinds of marital status, all kinds of labor-market behavior, and all income levels.

If you look at this experiment in Texas, everyone lost—all families, women, everyone. Let's not go down this path. We can't afford to do that.

TRIBUTE TO FRANK AUKOFE

Mr. KOHL. Mr. President, I rise today in recognition of 40 years of outstanding reporting by my friend, Frank Aukofer, who is retiring from the Milwaukee Journal Sentinel next week.

With his retirement, the Capitol loses one of its finest journalists and Wisconsinito loses one of its keenest eyes on Washington. I lose a reporter I admire and trust.

Frank is regarded as among the best in his profession, by both his peers and by those he covers. He is respected as a straight-shooter, valued for his integrity and admired as an honorable man. As a journalist, he has reported on virtually every event of consequence in our country over more than three decades. He has an impressive working knowledge of Congress, of policy, and of politics. Frank is usually three steps ahead of the story.

He is a journalist who didn’t lose sight of the responsibilities of reporting, a professional who is a credit to his occupation.

Frank’s love of his profession is evident in his long reach beyond the newspaper. He will be honored later this month by the Freedom Forum, a foundation dedicated to free press and free speech throughout the world. He is recognized as an expert on the media, and has testified before Congress to promote access to government information. He was a visiting professor at Vanderbilt University. He was an early and strong supporter of the Newspaper, our country’s premier news museum.

Frank is also an active member and former President of the National Press Club, and an enthusiastic, if not particularly gifted, performer for the Gridiron Club. Earning the envy of his colleagues and sports car enthusiasts everywhere, Frank has even managed to peddle a legitimate weekly auto column to newspapers around the country.

As Frank closes this chapter of his career, I know he looks forward to new adventures and more time to spend with his grandkids. Frank has many more years of ideas and ambitions ahead of him. While I am saddened by his departure from the Capitol, I am convinced that he will enjoy a busier retirement than Frank Aukofer.

I wish him well. I wish him continued good health, and I will miss him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask the Chair to advise me of the time remaining on the Democratic side.

The PRESIDING OFFICER. The Democratic side has until 11:30 a.m.

SOCIAL SECURITY

Mr. DURBIN. Thank you. I come to the floor right now to talk about an issue which is dominating the Presidential race across the United States. It is the issue about the future of Social Security.

It is interesting when you ask Americans how important it is. As an issue in this Presidential campaign, 71 percent of Americans say it is very important.

It is understandable, because, at least since the era of the New Deal and Franklin Roosevelt, Social Security has really been there as an insurance policy against the devastating impact of age and retirement of people before its creation.

There was a time in America before Social Security when, if you were lucky enough to have saved some money, or if you were among the fortunate few with a pension, retirement was kind of an easy experience. But for the vast majority of Americans who didn’t have to worry about retirement, it was a very troubling and dangerous experience.

It is no surprise that before Franklin Roosevelt conceived of the notion of creating Social Security, one of the highest priorities of the poor people in America was parents and grandparents who were elderly. In his era, President Franklin Roosevelt changed the thinking in America to say: we are going to create, basically, a safety net to say to everyone, if you will give the Social Security fund some money as you work during the course of your employment, we will put that aside and guarantee to you that there will be a safety net waiting for you; that you will have a nest egg; that the Federal Government will be watching; and it will be there.

Over the years, of course, because of medical science and other things, we have gotten to the point where we live longer and more and more people are taking advantage of Social Security. Over the years, the amount of payroll tax for Social Security went up so you could take care of those senior citizens. But Social Security in America, for 70 years, has been that basic insurance policy.

When political leaders of either political party—Democrats or Republicans—start talking about changing Social Security, a lot of American families start listening—not only those who are receiving it but many who are near retirement. Certainly, a lot of younger workers ask very important questions, such as: Will it ever be there? Will it still be there in the last three or four decades in America that question from younger workers has been very common. It is natural to be skeptical—when you are 20 years old or 25 years old—that the money you are setting aside is going to be there. Yet if you take a look at the record in America, Social Security has always been there. Payments have always been made. We have kept up with the cost-of-living adjustments to try to improve and increase those payments over the years. But we have kept our promise. A program created almost 70 years ago has been an insurance policy for every American family.

There are warnings, of course, for people: Do not count on Social Security for a living because it is a very spartan existence. It doesn’t provide a lavish lifestyle once you have retired. But you are not going to starve. You are going to have enough wealth and necessities of life. Americans have built this into their thinking about their future. What will happen to us at the age of 65? We would like to think we are prepared with savings and retirement, but we want to make sure that we have worked for a sufficient number of quarters for our lives so that we will qualify for Social Security.

It is interesting. In the year 2000, in this Presidential campaign, there is a brand new debate, and the debate suggests that we ought to take a brand new look at Social Security. On one side, George Bush has suggested we ought to change it rather dramatically; that we ought to take at least 2 percent of the payroll tax that is taken out for Social Security and put that into a private account in which individuals can invest.

There is some appeal to that because a lot of people say maybe that will be a better idea—maybe I can make more money by investing it personally and directing my investments than if the Federal Government buys a very conservative investment plan with the whole Social Security trust fund. It is not uncommon to think that people across America are going to have some good about directing their own future.

I say at the outset that—I think I speak for everyone in the Senate, both Democrat and Republican—we believe in encouraging people to save for their future. We believe in giving them options for investment. That is why we have created IRAs and 401(k)s, and all sorts of vehicles under the Tax Code so people can make plans for their future. But George Bush raises a more important question, and one that the last time he was speaking in America was saying: Do not count on Social Security to ever help you.

Yet if you take a look at the record in America, Social Security has always been there. Payments have always been made. We have kept up with the cost-of-living adjustments to try to improve and increase those payments over the years. But we have kept our promise. A program created almost 70 years ago has been an insurance policy for every American family.
proceeds going into the Social Security trust fund and said they will no longer go into the trust fund but people will be allowed to invest them individually, what impact would that have? Frankly, it could have a very serious and, I think, we impact.

Keep in mind that the money being taken out of the payroll taxes each week in America goes to pay the current benefits of Social Security retirees. There is not some huge savings account sitting out there. But basically we are talking about a pay-as-you-go system. If you take 2 percent away, you are still going to have the retirees needing their Social Security check. You are going to have to figure out some way to plug this gap.

If you say that 2 percent of payroll taxes will stop going into the Social Security trust fund, who will make up the difference? How big is that difference? Some estimate that the difference is $1 trillion. If you think about that, it is like saying that George Bush and others who support this: Where is that money coming from? How will we make up the difference if we start saying to people they don’t have to put it all in the trust fund, keep 2 percent and invest. That $1 trillion transition has to be taken in the context of George Bush’s other suggestion of a $2 trillion tax cut primarily for the wealthiest people in America.

I will concede that we are in good times in America for most families. The economy is strong. For the first time in decades, we are seeing surpluses in the Federal accounts. You can attribute that to leadership in Washington, leadership in business, and leadership in families. It has all come together in the last 8 years. America is moving forward. We are in a surplus situation. Who would have thought we would be talking about this on the floor of Congress just a few years ago?

The conservative approach being proposed by President Clinton and Vice President Gore says take the surplus and put it into a massive tax cut for wealthy people or put it into a Social Security change that could cost us another trillion dollars, in my mind, is not fiscally conservative. Yes. That is right—fiscally conservative. The conservative approach being proposed by President Clinton and Vice President Gore says take the surplus and instead of putting it into something of great risk, such as a tax cut or some privatization of Social Security, let us use the proven parts of the national debt. The national debt costs taxpayers in America $1 billion a day in interest. That is right. You are paying taxes now—payroll taxes and income taxes—to the tune of $1 billion a day for interest payments on old debt.

If you think about it, what is a better gift to our children and their children than to reduce this debt, and to say to them that we are going to take care of our mortgage, the one that we were going to leave to you, by paying down the national debt? That is Vice President Gore’s suggestion. He says, in the Social Security program pay down the debt in the trust funds. Pay down all of the bonds that have accumulated. When you do it, incidentally, you can extend the life of Social Security and make it stronger to the year 2060. It is a twofer—reducing the important debt and reducing the interest payment on it, and at the same time strengthening Social Security.

That is the Gore approach. It is a conservative approach. I will concede that. But I think it is the fiscally responsible approach.

On the other side, George Bush has said don’t worry about paying down debt; let’s talk about a tax cut of $2 trillion for wealthy people, and let’s talk about a new Social Security privatization plan that cost at least $1 trillion in transition. That is not conservative, nor do I think it is prudent. I think you can appropriately call it a risky idea. I joined with Senator Byron Dorgan of North Dakota and Senator Charles Schumer of New York and my friend and colleague Senator Boxer of California in sending a letter to George Bush saying to him: If you want to talk about one of the important programs to America’s families, Social Security, and you want to talk about dramatic changes in Social Security, then we want you to come forward with an idea about what this means. What impact will this have on families?

We are anxious to receive a reply because, you see, George Bush, in the last few weeks, has gone beyond the 2-percent suggestion—that we can take 2 percent and invest it in the stock market and the market goes down and they are losing money? What will be the response be of the elected officials across this country? We don’t know because we have never faced it before.

History tells us it is likely that Democrats and Republicans will say: Wait a minute; we cannot let a sizable number of Americans fail. People cannot be in a position where they don’t have enough money to live on in retirement.

We are then likely, on a political basis, to ride to the rescue. Anyone remember not too long ago we did that with the savings and loan bailout? Too many institutions had lost money Americans and we bailed out their savings accounts. We bailed out the savings and loans. I didn’t like voting for that, but I didn’t see any alternative. The economy was at stake and we did it.

I happen to believe if the Bush privatization scheme goes through and it doesn’t work, this Congress will be called on to come up with the money to bail out the families who guessed wrong in the stock market. Think about where this leads. From the dark days of the savings and loan bailout, we are now in a surplus. George Bush is saying let’s try something that is a little new and a little innovative and
hasn’t been tried. He is suggesting changes which could jeopardize the strength of this economy, the strength of our recovery, and what we envision as a strong American economy for decades to come. He is taking what I consider to be a leap of faith that some scheme which someone has come up with will work.

Vice President Gore is urging a more conservative approach: Put the surplus into bringing down the substantial debt, into strengthening the Social Security trust fund; put the surplus into making certain that Medicare is there for years to come; reduce the national debt so our children and their children don’t continue to pay $1 billion in interest a day on old debt that we have accumulated.

That is the fundamental choice. It is not a question of whether people should have the right to invest their savings in the stock market—that is their right in America; 50 percent of families are doing that now. Our family is one of them—but whether or not you take the Social Security system, and after 70 years, turn it upside down and say we are now going to make this a much different system.

In the words of George Bush: We will privatize Social Security. I think there is a great amount of risk to that. I can understand the skepticism of a lot of American families about this proposal.

Mrs. BOXER. Will the Senator yield for a couple of questions?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. I thank my colleague. Once again, he has explained quite clearly what the risks are to this Bush plan.

I was reading some of the quotes that appeared in the press surrounding the Bush plan. I ask my colleague to comment on some of them.

Bush’s top economic adviser, Lawrence Lindsey, acknowledged somewhat sheepishly he bailed out of the market years ago. He said: That was because of my personal situation. I don’t take risks. I hate losing money.

That was from the Philadelphia Inquirer: I don’t take risks; I hate losing money.

I think that reflects certain people are more conservative. Others are willing to take a risk.

The point my colleague and I have tried to make is that we think it is fine if you want to take a risk with certain accounts you have, but you don’t want to risk the foundation of your retirement, the safety net of your retirement. You want to count on that.

Bush’s top economic adviser is saying he hates losing money, and yet the person he advises is essentially putting money at risk for other people.

I want to mention something else. The word “privatization” is a good word. I like it. It is similar to the word “delegation.” It is a nice word. Everybody likes “privatization.” It is a nice word that indicates individual control. Of course, much of what we do in our life is privatization. We have our own accounts, whether they are saving accounts, or we own bonds, and we direct them. However, Social Security is a little bit different. It is the foundation.

The Houston Chronicle reported that Bush said on Tuesday, his plan to create private savings accounts could be the first step toward a complete privatization of Social Security. That would be the end of a program that has worked for 70 years. There is more at stake than a 2-percent diversion of funds.

Finally, the New York Times reports, when answering the question about his plan, 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. When he is asked by the Dallas Morning News, would beneficiaries receive less money, he says: Maybe; maybe not.

I ask my friend in his comments on the volatility of the stock market—expressed by Bush’s own top economic adviser, the fact that this could be the first step toward the end of Social Security, and the fact that George Bush cannot answer today whether anyone would have to take a cut in your benefits.

Mr. DURBIN. I thank the Senator from California. Quoting George Bush on this issue tells me more than anything else that he has not thought this through. In the 18 years I have served on Capitol Hill, when the issue of Social Security has come up, I have had a tendency to step back and wait. I want to hear both sides.

This is complicated. We are literally talking about a Social Security system that benefits tens of millions of Americans today and that many more Americans are counting on for the future. When people start talking about Social Security, I am very cautious. I think the people of Illinois who have sent me here expect me to be cautious.

I recall when the Senator from California and I were serving in the House of Representatives many years ago when there was a debate on the floor about the so-called “pickled-pepper” amendment. Jake Pickle of Texas and Claude Pepper of Florida had a fight over the future of Social Security and whether to change the retirement age from 65 to 67. I voted against that. I really think the retirement age is an important milestone in people’s lives, particularly if they have jobs involving manual labor and physical work. So when who is changing Social Security—“We will change a little bit here and a little bit there”—I am very skeptical because I don’t want to see us put in a position where someone’s great campaign promise in the year 2000 to someone trying to retire in just a few years from now finds out that the window is closed at Social Security:

“No, you have to wait a few more years.”

“Why?”

“We wanted to try a new approach to Social Security.”

The Senator from California is right. What George Bush says—and this is quote from the Houston Chronicle—“creating private savings accounts in Social Security could be the first step toward a complete privatization of Social Security,” that is a frightening idea. Let me explain to you why...

If we ever privatize Social Security, we will still have millions of Americans who worked their whole lives, paid their taxes, obeyed the laws, and counted on Social Security, who need to receive their benefits. If you are going to have that requirement out there, you have to figure out a way to keep Social Security moving while George Bush creates a brand new system, his new idea, whatever it is. That is a new venture to talk about keeping America’s economy moving forward, not increasing our deficit, creating more surpluses, keeping job creation online and businesses thriving, I think this is a risky venture by George Bush when it comes to Social Security.

Frankly, I think the American people should ask of George Bush what several Members of the Senate have asked: Sit down and explain this to us; put it on paper. Before you start messing with Social Security, explain to us what you have in mind because a lot of us—a lot of families across America—are counting on this system.

Mrs. BOXER. If my friend will yield further, I understand Senator Grams came down and quoted me as saying I like the idea of people investing in the market. I do. But not taking it away from the foundation of Social Security.

Social Security is that foundation. As my friend pointed out, this is really serious.

Since Governor Bush is now saying he envisions the day when we don’t have any more Social Security, when it would all be private accounts—that is not Social Security. He is right to point out: What happens to those of us who have worked our 40 quarters? There would be nothing going into the Social Security fund to pay those benefits. What does that mean? We are not going to let those people go poor; everybody in that. The pressure will be on us. We will bail out the system.

If you take it a step further and look at his $2 trillion tax cut, where is he going to get the money? He will print it. We will go back to those days his father oversaw, with $300 billion deficits which added to the national debt. As my friend well knows, we had more debt in the Reagan-Bush years than we had from George Washington to Ronald Reagan.

And he does not want to go back to those days. We don’t want to go back to those days when our President had to go visit another country to find out how to run the economy. Those were
bad days for this Nation—bad, bad days. It took us a long time to get out of it. A lot of people lost their seats around here because they had the courage to vote to balance this budget. It did not take courage to vote for a balanced budget reconciliation act to get budg- et into line. It did take courage, however, to vote to actually balance the budget. It meant some tough stuff.

I want to ask my friend, we have a colleague on this side of the aisle who says: Yes, we ought to go into privatizing Social Security. Frankly, I think it is one of the most courageous and straightforward colleagues, Senator Bob Kerrey. What does he say about it? He says if you are going to go that route, this is what you have to do: Raise the retirement age.

My friend has already pointed out we have raised it to 67 over time. What is it going to be, 75? People will die long before they get their checks or they will be too old to really appreciate it. We dare not do that happening in the Social Security system that has lasted through time—70 years, as he points out? It is a basic retirement, a basic safety net.

One last point I would make for my friend to comment on. Around here we are like everybody else; we want to make sure we can take care of our families. I think what we do around here is make sure we can take care of our families. I think that what we do around here is a good system. We have had Social Security since the 1980s. We decided to make sure we paid in. We have Social Security that is our basic foundation, and then, if we want, we can add a thrift savings plan. So, yes, we can pick out investing in the market—or, by the way, Government bonds, or corporate bonds—in addition to our Social Security.

This will be my last question to my friend. We know it is good to not put all your eggs in one basket, but we also think it is important to have a basic account. No. 1; No. 2, don’t go back to the old bad days of these yearly deficits that were dragging our economy down. Yes, you want to add something to sweeten your retirement pie, take a little risk with it. We know some people who have taken some risks and didn’t do too well; others have done very well. That is fine. Don’t mess with the foundation of the house. If you want to add a room, fix it up. That is great. But don’t mess with the foundation.

Mr. DURBIN. I thank my friend, the Senator from California.

It is interesting in this debate how the roles have been switched. It used to be not that long ago the Democrats were faulted for being fiscally irresponsible, too liberal when it came to tax and spend. In this debate over the future of Social Security, the fiscally conservative and, I think, from my point of view, the prudent approach is being taken on this side. That is, make certain before we take the surplus economy for granted, and make certain before we talk about any changes for Social Security, that we have thought them through.

Here we are in the middle of the Presidential campaign, with George Bush, the Republican candidate, suggesting sweeping changes in Social Security, changes which could literally affect millions of American families.

The concept that he would somehow privatize Social Security would have been laughable not that many years ago. Now it is being said with a straight face during the course of this Presidential campaign, with George Bush, who is making these statements, refuses to come forward and explain how he would achieve it.

I think it is natural for those of us on the other side who support Vice President Gore, to ask of him to be specific. If you are going to start talking about Social Security, start telling us in specific terms how you are going to change it and what it is going to cost us.

I think the plan on the other side, from Vice President Gore, is a conservative, sensible approach that does not assume this economic boom which we have seen over the last 8 or 9 years will continue indefinitely. What Vice President Gore has said is take the surplus we have coming into the Federal Government and invest it back to pay off the debt of our Nation.

We in Illinois, represent people who are just getting their driver’s license this year: Social Security is a crucial choice this November. In a global economy, what should America’s future look like? What should we be doing for the young people across America to say to them: We are going to create at least as good an opportunity for you as we have had in this country.

Frankly, the Democratic approach, Vice President Gore’s approach, is the sensible one. It basically says: Don’t assume prosperity forever; pay down the debt so we don’t have to collect more in taxes to pay interest on this debt. Reduce the debt of the Social Security program so that it will be stronger for a long period of time.

In fact, under Vice President Gore’s proposal, for another 50 years, it will be solvent, so we can even say to those who are just getting their driver’s license this year: Social Security is going to be there when you show up at the window 50 years from now. That is a good thing to say to the future of America.

Also, we are saying when it comes to Medicare—this is a program often overlooked by this Congress; it is not looked over by tens of millions of elderly and disabled who count on Medicare for their health insurance—we believe we should take part of this surplus and invest in Medicare as well to make sure it is stronger and is affordable.

This is the Gore approach.

The other side is a much different view of our future. What George Bush has proposed for America’s future is let’s say something new and untried. First, let’s talk about a $2 billion tax cut, and it is a tax cut that is not targeted to families who need it. It is a tax cut that, frankly, goes to a lot of people who are already wealthy.

I am joined on the floor by my colleague from New York, Senator Schumer. Senator Schumer has a proposal for most American families who would applaud. He has suggested targeting the tax cuts where they are really needed. One of Senator SCHUMER’s proposals is to allow families to deduct up to $10,000 a year in college expenses for their children. That means about $2,800 in the bank for a lot of families to help pay college education expenses. That is a smart investment. That is a targeted tax cut that does the most to help the children of America and does the most to help the children of America and does the most to help the children of America in America and prepares the next generation of Americans to compete in a global economy.
May 23, 2000

CONGRESSIONAL RECORD — SENATE
S4253

Mr. SCHUMER. Mr. President, it has been more than a year since the Col-umbine tragedy, but this Republican Congress still refuses to act on sensible gun legislation. Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Demo-crats in the Senate will read some of the names of those who have been killed, focusing on the lives lost to gun violence in the past year and will continue to do so every day the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some people who were killed by gunfire just a year ago today. Before I read the names, these are names, just letters in black and white, but every one represents a life living and breathing, loving and being loved. Every one leaves a family and friends who will never be the same, as well as the tragedy for all of us that someone is untimely taken from us:

Rodney Autry, 30 years old, Dallas, TX; Aaron Baskin, 28 years old, Chicago, IL; Shawn Blake, 24 years old, Detroit, MI; Eddie Espinosa, 17 years old, Miami-Dade County, FL; Keith Gales, 19 years old, Pittsburgh, PA; Rodney J. Graham, 25 years old, Chicago, IL; Gaberiel Herrea, 22 years old, Detroit, MI; Francisco Horta, 33 years old, Miami-Dade County, FL; Eddie Johnson, 17 years old, New Orleans, LA; Solomon Jones, 55 years old, Concord, NC; Brian Sentelle Hill, 20 years old, Macon, GA; Harvey Meyers, 23 years old, Philadelphia, PA; Tarvis E. Miller, 25 years old, Chicago, IL; Cleophus Ramsey, 41 years old, Miami-Dade County, FL; Jesus Rodriguez, 22 years old, Houston, TX; Luther Faye Smith, 45 years old, Tulsa, OK; Thomas Tyler, 20 years old, New Orleans, LA; Frederick Williams, 19 years old, Detroit, MI; Jamal Williams, 18 years old, Philadelphia, PA; unidentifed female, 12 years old, Chicago, IL; an unidentified male, 24 years old, Norfolk, VA; an unidentified male, 60 years old, Portland, OR.

I hope and pray the reading of these names importunes us to act. Would all of these deaths be prevented with better laws on the books? Maybe not. Would some of them have been prevented with better laws on the books? Most likely. But even if there is a chance that one of the lives I have mentioned might be living, breathing, living under God's sunshine on this Earth, being the kind of person we can all be just by the gift of life, then there is no reason not to act.

I hope the understanding that every day, every year, there are names such as these from every part of this country who are killed by violence will finally move this body to act.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. KENNEDY. Mr. President, I once again bring to the attention of the Senate to the importance of completing action on an issue that is of fundamental importance to families all across this country, and that is the role of the Congress in addressing the elementary and secondary education challenge which exists across our Nation in which local communities and States are taking action and in which the Federal Government is also a partner.

We have had a total of 6 days debate of the 3-week debate. Of the 6 days, 2 were debate only. We were not permitted to have votes on 2 of those 6 days, so we had 4 days of debate and votes. We had a total of 8 amendments. One was a voice amendment. There were 7 rollcalls. Of the 7 rollcalls, 2 of those rollcalls were on amendments we had indicated we were prepared to accept. Essentially, we have had 4 days of debate and 5 votes on this legislation.

This is what our good Republican friends have indicated to us about the priority of education.

In January 6, we had our majority leader saying:

Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

These are his remarks to the U.S. Conference of Mayors luncheon on January 29:

But education is going to have a lot of attention, and it's not going to be just words.

On June 22, he said:

Education is No. 1 on the agenda of Republicans in the Congress this year.

In remarks to the U.S. Chamber of Commerce on February 1, 2000, he said:

We're going to work very hard on education. I have emphasized that every year I have been majority leader, and Republicans are committed to doing that.

February 3, in a speech to the National Conference of State Legislatures, he said:

We must reauthorize the Elementary and Secondary Education Act. Education will be a high priority in this Congress.

Congress Daily, on April 20, said this: Lott said last week that his top priorities in May include an agriculture sanctions bill, ESEA reauthorization, and passage of four appropriations bills.

May 1:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

On May 2, I asked Senator LOTT:

On ESEA, have you scheduled a cloture vote on that? Senator Lott said:

No, I have not. . . . But education is No. 1 in the minds of the American people all across the country, in every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

On May 9, at the time when the legis-
lation was pulled down, I asked the major-
ity leader:

As I understand, we will have an oppor-
tunity to come back to ESEA next week. Is that the leader's plan?

He said:

That is my hope and intent.

We are about to go out for a period of 10 days. We are reaching the end of May. We have no end in sight for the completion of legislation dealing with the Elementary and Secondary Education Act. We have been prepared to enter into short time agreements on the various proposals. I don't know of a single amendment we can introduce on this side on which we could not enter into a time agreement of 1 hour equally divided. We put that forward and we have outlined in detail the various education amendments that we had intended to offer. But we are not getting focus, attention, and priority on this legislation.

I don't believe the American people want us to stonewall on the issue of education. I don't think they want the Senate gagged from having a full debate, discussion and action. We have had other legislation, such as the bankruptcy bill, that went for 15 or 16 days of debate before completion. We can take the time that is necessary and also complete the work on the appropri-
PENSIONS. But we are serious about bringing this matter to the floor. We are going to raise it continuously. We want to take action. We think fam-
ilies across this country know appropriations are important, but those appropri-
PENSIONS are not going to actually help families want to know, as we go on into this year, what we are going to do on edu-
cation and education policy. We owe it
to the families, and we have every intention of pursuing it on this side of the aisle.

I yield the floor.

INTERNET PRIVACY

Mr. KERRY. Mr. President, last night, the FTC released its report on Internet privacy. We are, all of us, in the midst of an Internet revolution in this country. It is extraordinary, when we think about it, to take note of the fact that the Internet has only been in existence about 6 or 7 years now. During that time, it has had a profound impact on everybody’s life, particularly on business, and increasingly on consumer opportunity.

I have tremendous respect for the work the FTC has done on this issue. Its monitoring of web sites and the convening of working groups have been very helpful in educating all of us on a very complicated arena. The FTC plays an important role in oversight and regulating our economy, and I think it is fair to say that its Commissioners have navigated admirably through the complexity of the new economy.

But—and here is the “but,” Mr. President—at this particular moment in time, I very respectfully disagree with the regulatory approach to Internet privacy proposed by the FTC. Let me be clear. Yes, consumers have a legitimate expectation of privacy on the Internet, and they will demand it, and I personally want that right of privacy protected. But I also believe that they want an Internet that is free and that gives them more choices rather than fewer. I believe that a regulatory approach mandated by in-depth, detailed congressional legislation at this particular point in time could actually harm consumers in the long run by limiting their choices on the Internet.

On the Internet today, we can buy and sell anything. We can research everything from health information to sports scores to movie reviews. We can keep track of our stock portfolios, tomorrow’s weather, and the news throughout the world. And we do most of that free of charge. The reason we can surf from page to page for free is because the Internet, like television, is supported by advertising—or is struggling to be supported by advertising. Obviously, access is by subscription in most cases; but the point is that advertising is increasingly growing. Business spent more than $1.9 billion to advertise on the web in 1998, with spending in electronic advertising expected to climb to $3.7 billion by 2001.

It is this advertising that is the reason we don’t have a subscription-based Internet—at least at this point in time. That would clearly limit a lot of people’s online activities, and it would contribute to the so-called digital divide, which we believe is an Internet that we can freely explore. It is my sense that people like this model of the Internet, and they understand that the banner ads they see on their screens are necessary in order to try to keep the Internet free.

What I don’t think people understand is that, at least for now, the model for Internet advertising is going to include ads that are targeted to particular customers. The jury is still out on whether a targeted model is going to work. Currently, the click-through rates—the average percentage of web surfers who click on any single banner ad—are between 0.5 and 1 percent, far below what the advertising model on the Internet is being supported by advertising. Some see that as a sign that the advertising model on the Internet has failed. Others say the percentages are lower, but that is because more and more ads are being placed. What it tells me is that it is simply too soon for the Congress of the United States to step in and prevent that model from running its course. If, for the time being, we allow or acknowledge that the economy of the Internet calls for targeted advertising or recognize that it won’t attract customers if they believe their privacy is being violated.

Finding the fine balance of permitting enough free flow of information to allow ads to work and protecting consumers’ privacy is going to be critical if the Internet is going to reach its full potential. I believe that we in Congress have a role to play in finding that balance, although we should tread very lightly in doing so.

In the past, I have argued that self-regulation was the best answer for consumers and the high-tech industry itself in relation to privacy. I hope we can continue to focus on self-regulation because Congress will, frankly, never be light-footed enough—or fast-footed enough—to keep up with the technological changes that are taking place in the online world.

However, poll after poll shows that consumers are anxious that their privacy is not being protected when they go on line.

For example, a 1999 survey by the National Consumers League found 73 percent of online users are uncomfortable giving out personal information online and 70 percent are uncomfortable giving out personal information to businesses online. Moreover, due to privacy concerns, 42 percent of those who use the Internet are using it solely to gather information rather than to make purchases online.

Likewise, a Business Week survey in March 2000 noted that concern over privacy on the Internet is rising. A clear majority—57 percent—favor some sort of law regulating how personal information is collected and used. According to Business Week, regulation may become essential to the continued growth of e-commerce, since 41 percent of online shoppers say they are very concerned over the use of personal information, up from 31 percent two years ago. For many people who go online but have not shopped there, 63 percent are very concerned, up from 52 percent two years ago.

In addition to it being too early in the process for Congress to embark on sweeping legislation, I believe there are still a number of fundamental questions that we need to answer. The first is whether there is a difference between privacy in the offline and online worlds.

I think polls like that are the result of the failure, so far, of industry to take the necessary initiative to protect consumers’ privacy. But we should not be caught by surprise that industry is making progress. When the Federal Trade Commission testified before the Commerce Committee about this time last year, it cited studies showing that roughly two-thirds of some of the busiest Web sites had some form of disclosure of privacy policies. This year, the FTC reports that 90 percent of sites have disclosure policies. Likewise, last year the FTC found that only 10 percent of sites implemented the four core privacy principles of notice, choice, consent and security. This year, the FTC reports that figure at 20 percent. That is still not high enough, but this is a five-year-old industry. We’ve seen significant improvements without the need for intrusive congressional intervention. It is simply too soon to write off a market driven approach to privacy.

Most of us don’t think about it. But I want to make a point about the discrepancy between that offline and online world. When you go to the supermarket and you walk into any store and swish your card through the checkout scanner, that scanner has a record of precisely what you bought. In effect, in the offline world, people are getting extraordinarily detailed information about what you are purchasing. The question, therefore, is to be asked: Is there some kind of preference about what happens at the supermarket, or any other kind of store, and is that preference less protective than what you make online? Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retail establishments, and other catalogers and mass mailers.

I have been collecting the catalogs that I have received just in the last few weeks from not one online purchase, and I have been targeted by about 50 catalogs just on the basis of offline purchases that have been made and not because of any online existence.

Even in politics off-line privacy protections may be less than those we are already seeing online. For example, we all know that campaigns can and do get voter registration lists from their states, and can screen them to see how they feel about a candidate. They will take this data and add names from magazines—Democrats could use the New Republic and Republicans might choose
the National Review—and advocacy groups, and target all of them. With those combined lists, campaigns decide which potential voters to target for which mailings. The campaigns will also often share lists with each other and with party committees. All of this goes on.

On the other hand, when I go to the shopping mall and I walk into a store and look at five different items, five sweaters, or five pairs of pants, whatever it may be, and I don’t buy any of them, I never see a record of them at all. But there is a record of that kind of traveling or perusal, if you will, with respect to the web.

There are clearly questions that we have to resolve with respect to what kind of anonymity can be protected with respect to the online transaction. I just do not think this is the moment for us to legislate. I think we need to study the issue of access very significantly.

There is a general agreement that consumers should have access to information that they provided to a web site. We still don’t know whether it is necessary or proper to have consumers have access to all of the information that is gathered about an individual. Should consumers have access to click-stream data or so-called derived data by which a company uses compiled information to make a marketing decision about the consumer? And if we decide that consumers need some access for this type of information, is it technologically feasible? Will there be unforeseen or unintended consequences such as an increased risk of security breaches? Will there be less rather than more privacy due to the necessary coupling of names and data?

Again, I don’t believe we have the answers, and I don’t believe we are in a position to regulate until we have thoroughly examined and experienced the work in those areas. I disagree with those who think that this is the time for heavy-handed legislation from the Congress. Nevertheless, I believe we can legislate the outlines of a structure in which we provide some consumer protections and in which we set certain goals with which we encourage the consumer to familiarize themselves while we encourage the companies to develop the technology and the capacity to do it.

Clearest of all is a principle that most people believe ought to be maximized. Anonymity is a principle that most people believe can help cure most of the ills of targeted sales. For instance, you don’t need to know if it is John Smith living on Myrtle Street. You simply need to know how many times a particular kind of purchase may have been made in a particular demographic. And it may be possible to maintain the anonymity and provide the kind of protection without major legislation. It seems to me that most companies will opt for that.

In addition to that, we need to resolve the question of how much access an individual will have to their own information, and what rights they will have with respect to that.

Finally, we need to deal with the question of enforcement, which will be particularly important. It is one that we need to examine further. I believe that there is much for us to examine. We should not, in a sense, intervene in a way that will have a negative impact on the extraordinary growth of the Internet, even as we protect privacy and establish some principles by which we should guide ourselves. I believe that the FTC proposal reaches too far in that regard.

I hope my colleagues in the Senate will join me in an effort to embrace goals without the kind of detailed intrusion that has been suggested. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will proceed to executive session.

The legislative clerk read the nomination of Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission.

Mr. MCCONNELL. Mr. President, based on the caricatures of Professor Bradley Smith, one would think he must have horns and a tail. I unveil a picture of Brad Smith and his family in the hopes of putting to rest some of these rumors.

Let me quote Professor Smith himself on this point, talking about the experience he has had over the last 10 months. He said: In the last 10 months since my name first surfaced as a candidate, certain outside groups and editorial writers opposed to this nomination have relied on invective and ridicule to try to discredit me. Among other things, some have likened nominating me to nominating Larry Flynt, a pornographer, to high office. Nominating Smith has been likened to nominating David Duke, one-time leader in the Ku Klux Klan, to high office. Nominating me has been likened to nominating Theodore Kaczynski, the Unabomber, a murderer, to high office.

Professor Smith went on and said: Just this week I saw a new one. I was compared to nominating Jerry Springer, which is probably not a good comparison since Springer is a Democrat. Other critics have attempted ridicule, labeling me a “Flat Earth Society poohah,” and more.

He says: I say all this not by way of complaint because I’m sure that Members—he is referring to Members of the Senate—have probably been called similar or worse things in the course of their public lives.

I thought it might be appropriate to begin with a photograph of Professor Smith and his family, which bears little resemblance to David Duke, or Theodore Kaczynski.

It is my distinct honor today to rise in support of the nomination of Professor Bradley A. Smith to fill the open Republican seat on the bipartisan Federal Election Commission. Considering the open seats, Professor Brad Smith and Commissioner Danny McDonald, the Senate must answer two fundamental questions: Is each nominee experienced, principled, and ethical? And: Will the FEC continue to be a balanced, bipartisan commission?

I might state this is a different kind of commission. It is a commission set up on purpose to have three members of one party and three members of another party so that neither party can take advantage of the other in these electoral matters that come before the Commission. The Federal Election Commission is charged with regulating the political speech of individuals, groups, and parties without violating the first amendment guarantee of freedom of speech and association—obviously, a delicate task.

Over the past quarter century, the FEC has had difficulty maintaining this all-important balance and has been chastised, even sanctioned, by the Federal courts for overzealous prosecution and enforcement that treated the Constitution with contempt and trampled the rights of ordinary citizens.

In light of the FEC’s constitutionally mandated balancing act and the fundamentally constitutional freedoms at stake, Congress established the balanced, bipartisan, six-member Federal Election Commission. The law and practice behind the FEC nominations process has been to allow each party to select three nominees. The Republicans pick the Republicans; the Democrats pick the Democrats. As President Clinton said recently, this is, “the plain intent of the law, which requires that it be bipartisan and by all tradition, that the majority make the nomination” to fill the Republican seat on the Commission.

Professor Bradley Smith was a Republican choice agreed to by the Republicans in the House and the Republicans in the Senate and put forward by the Republicans to the President of the United States, who has nominated him. Typically, Republicans complain that the Democratic nominees prefer too much regulation and too little freedom, while Democrats complain that the Republican nominees prefer too little regulation and too much freedom.

Ultimately both sides bluster and delay a bit, create a little free media attention, and then move the nominees forward. In fact, the Senate has never
voted down another party’s FEC nominee in a floor vote or even staged a filibuster on the Senate floor.

At the end of the day, however, the bipartisan nature of the FEC serves the country well. The FEC gets a few commissioners initially leaning toward regulation and a few commissioners that naturally lean toward constitutionally-protected freedoms. And the country gets a six-member bipartisan Federal Election Commission to walk the critical fine line between regulation and freedom.

The Dean of Stanford Law School, Kathleen Sullivan, has summed up the balance as well as anyone. Specifically, she praised Professor Smith for the instrumental role he would play in upholding constitutional values and establishing a bipartisan equilibrium:

I do think Mr. Smith’s views are in the mainstream of constitutional opinion. . . . I think it is a good thing to have a prosecutor who thinks very highly of the Fourth Amendment and wants to make sure searches are always reasonable, maybe more so than some of his colleagues. It is certainly good to have one of those prosecutors in the shop, and it certainly would be a good thing to have one Commissioner at least who has those views.

Let me say that I sincerely hope that we can uphold this bipartisan law and tradition that President Clinton invoked when he sent these two nominees to the Senate.

After all, Professor Smith’s views are similar to those of the Republicans who have gone before him. And, Commissioner McDonald’s views are similar to those he himself has held for the past 18 years as one of the Democrats’ commissioners at the FEC. In fact, Commissioner McDonald’s views are so consistent with and helpful to the Democratic Party that former Congressman and current Gore campaign chairman Tony Coelho has hailed Commissioner McDonald as “the best strategic appointment:’ the Democratic Party can make to the FEC.

So, notwithstanding the cluster and delay, these two nominees largely represent their parties’ long line of past FEC Commissioners. One could argue that the only thing new in this debate is the opportunity for new headlines.

Again, let me restate the questions before the Senate on these two FEC nominees:

Is each nominee experienced, principled and effective? Will the FEC continue to be a balanced, bipartisan commission?

I dedicate the remainder of my opening comments this morning to reading a few excerpts from the flood of letters I have received expressing support for Professor Smith since he was nominated. These letters from those who agree and those who disagree with Professor Smith clearly establish that: (1) Professor Smith is experienced, principled and ethical, and (2) his service would help the FEC to be balanced and bipartisan. Even staunch advocates of reform, including two past board members of Common Cause, have written in support of Professor Smith’s nomination. These many letters attest to the central role that Professor Smith’s scholarship has played in mainstream thought about campaign finance regulation.

Equally important, these letters make clear what Brad Smith personally or professionally, including self-avowed reformers, believes that he will fail to enforce the election laws as enacted by Congress or to fulfill his duties in a fair and even-handed way.

All of the scholars that have written urging the confirmation of Professor Smith believe that his scholarly work is not radical but rather well-grounded in mainstream First Amendment doctrines and case law. Let me share with you a few examples of what these experts say:

I ask unanimous consent the full text of these letters that I am going to be reading be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. First, Professor Daniel Kobli, Capital Law School, Re- form Advocate and Past Director of Common Cause.

Groups seeking to expand campaign regulations dramatically might have misgivings about Brad’s nomination. However, I believe that much of that opposition is based on what Brad has said about campaign finance regulations, but on crude caricatures of his ideas that have been circulating. . . . I think that the FEC and the country in general will benefit from Brad’s diligence, expertise, and solid principles if he is confirmed to serve on the Commission.

Second, Professor Larry Sabato, Director of the University of Virginia Center for Governmental Studies, appointed by Senator George Mitchell to the Senate’s 1990 Campaign Finance Reform Panel:

Contrary to some of the misinformed commentary about Professor Smith’s work and views, which misstates the evidence in two primary ways, in the field of campaign finance are mainstream and completely acceptable. For example, Professor Smith has argued in several of his academic papers for a kind of deregulation of the election rules in exchange for stronger disclosure of political giving and spending. This is precisely what I have written about and supported in a number of publications as well. Bradley certainly supports much of the work of the Federal Election Commission and understands its importance to public confidence in elections. I have been greatly disturbed to see that some are not satisfied to disagree with Professor Smith and make those objections known, but believe it necessary to vilify the professor in an almost McCarthyite way. I do not use that historically hyper-charged word lightly, but it applies in this case. Any academic with a wide range of views on controversial subject could be similarly tarred by groups on the right or left.

Third, Professor John Copeland Nagle of Notre Dame Law School:

Professor Smith’s view is shared by numerous leaders of the political and ideological spectrum, including Dean Kathleen Sullivan of the Stanford Law School and Professor Lillian BeVier of the University of Virginia School of Law. His understanding of the First Amendment has been adopted by the courts in sustaining state campaign finance laws.

Fourth, Professor Burt Neuborne of the Brennan Center at New York University. There is no group in America that disagrees more passionately with Professor Smith on campaign finance than the Brennan Center. Yet, listen to what Burt Neuborne, the Legal Director of the Brennan Center had to say about Smith’s scholarship.

Neuborne considers Professor Smith’s writings to be “thoughtful discourse of topical importance” and concludes that Smith has done “excellent work in debunking the status quo.” He goes on to say of Professor Smith’s scholarship:

I learned from it and altered aspects of my own approach as a result of his argument. It is, in my opinion, truthful scholarship that helps us move toward a better understanding of an immensely important national issue. Higher praise than that I cannot give.

It also speaks well of Professor Smith that constitutional scholars and election law experts that know him admirably and admire his work, including some who have served on the board of Common Cause, are confident that he will faithfully enforce the law as enacted by Congress and upheld by the courts. Here are just a few examples of the kind of scholarship these experts have in Brad Smith’s integrity and commitment to the rule of law.

Fifth, Professor Daniel Lowenstein of UCLA Law School, served six years on Common Cause National Governing Board:

Anyone who compares his writings on campaign finance regulation with mine will find that our views diverge sharply. Despite these differences, I believe Smith is highly qualified to serve on the FEC. . . . Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. His legal understanding that his job is to enforce the law, even when he does not agree with it. . . . In my opinion, although my views on the subject are not the same as theirs, [the Senators’] Republican Leadership] deserves consid- erable credit for having picked a distin- guished individual rather than a hack . . . . Although many people, including myself, can find much to disagree with in Bradley Smith’s views, I doubt if anyone can credibly deny that he is an individual of high intel- ligence and energy and unquestioned integ- rity. When such an individual is nominated for the FEC, he or she should be enthusiastically and quickly confirmed by the Senate.

Sixth, Professor Daniel Kobli of Cap- ital Law School, former governing board member of Common Cause, Ohio:

Knowing Brad personally, I have no doubt that his critics are wrong in suggesting that as a FEC Commissioner, Brad would refuse to enforce federal campaign laws because he disagrees with them. I have observed Brad’s election law class on several occasions and he always took the task of educating his students about the meaning and scope of election laws very seriously. I have never heard him denigrating or advo- cating skirting state and federal laws, even though he may have disagreed with some of those laws. Indeed, several times in class he admonished students who
seemed to be suggesting ignoring what they considered overly harsh election laws. Brad is an ethical attorney who cares deeply about the rule of law. I am confident that he will faithfully execute the laws he is charged with enforcing as a Commissioner.

Seventh, Professor Randy Barnett of Boston University Law School: 1 . . . can tell you and your colleagues that [Professor Smith] is a person of the highest character and integrity. If confirmed, Brad will faithfully execute the election laws which the Commission is charged to enforce—including those with which he disagrees. I need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Let me close my opening comments by sharing with you Brad Smith’s own closing remarks in his statement before the Senate Rules Committee: [S]hould you confirm my nomination to this seat, which I hope that you will, here is my pledge to you. First, I will defer to Congress to make law, and not seek to usurp that function to the unelected bureaucracy. Second, when the Commission must choose under the law to act or not to act, or how to shape rules necessary for the law’s enforcement, faithfulness to congressional intent and the Constitution, as interpreted by the courts, will be central to my decision making. Third, I will act to enforce the law as it is, even when I disagree with the law. . . . Finally, I pledge that I will strive at all times to maintain the humility and integrity the law. . . . Finally, I pledge that I will strive at all times to maintain the humility and integrity as a FEC Commissioner. Brad’s critics need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Brad’s central premise, that limits on political contributions burden expression and should not be upheld, is hardly radical. It has long been a basic tenet of the Supreme Court’s First Amendment jurisprudence that the government’s interest in preventing the appearance of corruption is sufficient to outweigh the burden campaign finance regulations place on speech. However, this critique is not outside the pale, but calls attention to the one of the obvious tensions in Buckley v. Valeo that has been rebuked by courts and scholars if the basic values underlying the First Amendment are to be adequately protected.

Moreover, having come to knowing Brad personally well and having worked with him in the scholarship and in service to the country in general, I am confident that he is the right person to serve on the FEC. Brad is an ethical attorney who cares deeply about the rule of law. I am confident that he will faithfully execute the laws he is charged with enforcing as a Commissioner.

In conclusion, I think that the FEC and the country in general will benefit from Brad’s diligence, expertise, and sound principles if he is confirmed to serve on the Commission. Please contact me if I can provide additional information or assist the Committee in any way regarding Brad’s nomination.

Very Truly Yours,

DANIEL T. KOHIL
Professor of Law.
DEAR SENATOR MCCONNELL: I am pleased to write this letter in support of Professor Bradley A. Smith for the Federal Election Commission. I believe Professor Smith is a solid and informed choice for the vital federal agency at a critical moment in its history. I am honored to add my voice to many who support Professor Smith.

My own credentials in this field are outlined in the attached vita. I have published several books and articles on campaign finance, including Pac Power: Inside the World of Political Action Committees, Paying for Elections, and Dirty Little Secrets. In addition, I was honored and privileged to serve on the U.S. Senate's campaign finance reform panel back in 1990, having been jointly appointed by then-majority leader George Mitchell and minority leader Robert J. Dole.

I should note that I don't completely agree with Professor Smith's work and views, his research and opinions in the field of campaign finance are maintained and completely acceptable. For example, Professor Smith has argued in several of his academic papers for a kind of deregulation of the exchange for political favors and disclosure of political giving and spending. This is precisely what I have written about and supported in a number of publications as well. My own support of much of the work of the Federal Election Commission and understands its importance to public confidence in our system of elections. I have been greatly disturbed to see that some are not satisfied to disagree with Professor Smith and make those objections known, but believe it is necessary to vilify the professor in almost a McCarthyite way. I do not use that historically hyper-charged word lightly, but it applies in this case. Any academic with a wide-ranging portfolio of views on a controversial subject could be similarly tarred by groups on the right or left. I hope and trust that under your able leadership, the Senate Rules Committee will not give in to this kind of malicious slogging and character assassination.

I should note that I don't completely agree with Professor Smith's views and conclusions in all respects. Even though we have our differences, I fully respect his scholarship and the clear argumentation and documentation that undergirds it. I have not been led to question the acumen of Professor Smith so I cannot be accused of simply backing an old chum! Instead, I am supporting Bradley A. Smith because he is fully qualified for the Federal Election Commission and I believe that he will do an outstanding job, putting in long hours and thoroughly analyzing the complex subject before the Commission. I trust him to fulfill his public responsibilities with great care and a determination to be fair and honest. That is all one can ask from a nominee.

Thank you for permitting me the opportunity to offer these observations. Please let me know if I can be of any additional help as Professor Smith moves forward.
Mr. McCONNELL. Will my friend yield?

Mr. DODD. I will be happy to yield.

Mr. McCONNELL. Had Commissioner McDonald been subjected to the same things to which the Republican nominee has been subjected, my colleague might have needed a picture with children and dogs. In any event, we are going to be voting on him as well after we vote on Professor Smith.

Mr. DODD. If he does not have a dog, maybe he can rent one. This is a fine looking dog here. Maybe we can borrow that fine looking red dog for our picture. I apologize to Mr. McDonald, we do not have a similar photograph of him and his family and dog before us. I want to take our colleagues who are monitoring this back in time for a historical framework before I get to the issue of the nominees before us because it might be helpful for people to understand how this process has worked and how nominees have historically been handled.

My colleague from Kentucky has already alluded to that in his opening comments. I thought it might be helpful to take a few minutes and give a history lesson about the Federal Election Commission and the process which has proceeded over this past quarter of a century. It has been 25 years since we created these positions. It might be worthwhile to understand how this process has worked and how nominees have historically been handled.

We are here to consider two Presidential nominations. That is the first lesson. We are considering Presidential nominations. The Republican Party may have promoted Brad Smith and the Democrats may have promoted Danny McDonald, but, in fact, these are two nominations that have been sent to us by President Clinton, as you can see from the names, during the consideration of nominees for the Federal Election Commission.

The two nominees are Danny McDonald of Oklahoma to fill the Democratic seat and Brad Smith of Ohio to fill the Republican seat on the Commission. Rollcall votes, as we know, will be conducted later this week.

It is somewhat unusual, although not unprecedented, for the Senate to take a significant amount of time to debate Presidential nominees to the Federal Election Commission. I know some of my colleagues have planned extensive remarks, and they are not out of order at all in doing that. It has been done on other occasions.

It is unprecedented for the Senate to conduct a rollcall vote, however, on such nominees. It might be instructive to briefly review Senate action on FEC nominees over the past 25 years since the creation of the Commission.

Approximately 40 nominees, including reappointments, have been submitted to the Senate for consideration to this Commission. Of that total, only three nominations have required a rollcall vote by this body in the past quarter of a century. In each of those three instances, the nominees were confirmed by the Senate. The Senate has never voted to reject a nominee to the Federal Election Commission submitted by respective Presidents.

Of the remaining 37 nominees, 3 were withdrawn by Presidents for various reasons, 1 was returned to the Senate without action under rule XXXII of the Senate, 3 were recess appointments that were confirmed by the Senate by unanimous consent; and the remainder, some 33 nominees, were all confirmed by unanimous consent without recorded votes in the Senate.

In the last 10 years, pairs of nominees, one Democrat paired with one Republican, have been considered by the Senate Rules Committee, reported to the Senate, and confirmed en bloc by unanimous consent. In the most recent action by the Senate in 1997, four nominees of one pair were confirmed in this manner and confirmed by unanimous consent, again en bloc.

How is it possible so many nominees, to what is considered to be a controversial agency, have received the nearly unanimous support of this body throughout the past 25 years? I suggest the answer lies in the very statute that created this Commission.

Chapter 14, Title 2 of the United States Code govern Federal campaigns. Section 437c establishes the Federal Election Commission and provides for the appointment of Commissioners. The statute provides for—and I apologize for going through this laboriously, but it may help to understand the background of all of this—the statute provides for the appointment by the President, with the advice and consent of the Senate, of six members to the Commission. Further, the statute provides that no more than three members of the Commission be affiliated with the same political party; and that members shall serve for 6 years, with the requirement that the initial six members serve staggered terms, with two members not affiliated with the same political party being paired for each of the staggered terms. These requirements were adopted by the Congress in the 1976 amendments to the Federal Election Campaign Act.

I am not going to discuss the original membership provision of this act in the landmark case of Buckley v. Valeo. The original provisions of the 1971 act provided that the six members of the Commission be appointed by the President, the President pro tempore of the Senate, and the Speaker of the House, with confirmation by a majority of both Houses of Congress. The Buckley Court struck that process down.

What is obvious, however, is it has always been the intent of Congress that these nominees be appointed with regard to their party affiliation. That part has been quite clear.

Please contact me at (219) 631-9407 or at john.nagle@nd.edu if you have any further questions about Professor Smith's nomination to the FEC. He will be an excellent commissioner.

Sincerely,

John Copeland Nagle, Associate Professor.

Boston University, School of Law, Boston, MA, February 13, 2000.

Senator MITCH McCONNELL, Chairman, Senate Committee on Rules and Administration, Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR McCONNELL: I am writing to strongly urge the Senate to confirm the nomination of Brad Smith as a commissioner on the Federal Communications Commission. I have known Brad well since he was a student at Harvard Law School, and have followed his academic career closely, and can tell you and your colleagues that he is a person of the highest character and integrity. If confirmed, Brad will faithfully execute the election laws which the Commission is charged to enforce—including those with which he disagrees—and he will also take seriously the rights guaranteed by the Constitution.

Though election law is not my specialty, I am generally familiar with Brad’s writings in the field and I have written extensively on the Constitution and, in particular, the constitutional protection of liberty. I believe that Brad’s positions on federal election laws in general, and campaign finance laws in particular, are far more consonant with the requirements of both the First Amendment and the Supreme Court’s first amendment jurisprudence than are the views of his critics. These critics would deny public office to anyone who disagrees with their views of good policy, or to anyone who believes in reforming existing law in a manner with which they disagree.

I share Brad’s policy view that the goal of free, fair, and competitive elections would be better served with less rather than more regulation of elections. But I have no doubt whatsoever that he will vigorously enforce current law. Indeed, in recent years, we have seen wholesale and flagrant violations of current election laws which have gone largely unenforced by the FEC and the Justice Department. Brad’s critics need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Sincerely,

Randolph E. Barnett, Austin B. Fletcher Professor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I begin by thanking the distinguished chairman of the Rules Committee for his leadership and for bringing these matters to the floor of the Senate. I have a number of points of order on the matter.

I begin by recognizing to Danny Lee McDonald, the Democratic nominee for the Federal Election Commission, and his family. I do not have a picture of Danny Lee McDonald. I do not know if he has a dog or not, or two dogs. I will try to find one that before the next 6 hours and see if I can come up with a nice picture of Mr. McDonald to show to our colleagues and the public.
Moreover, these nominees are appointed and considered in pairs—one Democratic nominee paired with a Republican nominee—and that is how the Committee on Rules and Administration has also traditionally considered FEC nominees. The committees similarly paired their consideration so that no hearings are held, nor are the nominees reported, except in strict pairs.

In recent history, the Rules Committee held a confirmation hearing in which both nominees appeared, presented testimony, and answered questions of members of the committee. On March 8, the committee, by a voice vote, reported these nominations en bloc to the full body. That is also why the overwhelming majority of these FEC nominees have occurred over the past 25 years by unanimous consent, often, again, confirmed en bloc.

The statute creates a presumption that the views of each of the two major political parties are represented by the three members of the Commission. And the practice that has developed that the leadership of the Congress, both Republican and Democratic leadership, communicate to the President their views for the nominees of the party—embraces the views they do, and for the majority party here—at least a majority of the majority party embraces the views they do, and nobody holds them more strongly than my friend and colleague from Kentucky. I think he is dead wrong in his views on these issues, but he represents the views of the majority party on this commission.

In testimony before the Rules Committee, Mr. Smith acknowledged that, notwithstanding the decision of the Supreme Court in Buckley and the long line of cases that follow, he happens to believe the first amendment should be read to prohibit restrictions on campaign contributions.

Mr. Smith has similarly argued that Congress needs to reverse course and loosen campaign finance regulations. He has argued that contrary to the belief of the President and a majority of the American people, that there is too much money in politics today, Mr. Smith argues that money increases speech and therefore we need more speech—and more money, I argue, from small donors, when it comes to campaign contributions. He also argues that campaigns funded by small donors are not more democratic and that, in fact, large donors are healthier for the system. Mr. Smith has also argued that the perception that money buys elections is incorrect and that rather than corrupting the system, limiting money corrupts the system by entrenching the status quo, favoring wealthy individuals, and making the electoral process less responsive to public opinion.

Let me categorically state for the record that I could not disagree more with Mr. Smith’s positions and his writings when it comes to campaign finance. It is clear to me that money plays a greater role in campaigns today. I could not disagree more that limits on contributions are not only constitutional but necessary for our form of democracy to survive.

There is no doubt in my mind that money corrupts, or has the appearance of corrupting our system, and this perception threatens to undermine our electoral system and jeopardize the confidence in our form of democracy. I could not disagree more with Mr. Smith’s conclusion that Congress needs to reverse course and loosen campaign finance regulations. It is past time for this Congress to pass comprehensive campaign finance reform, which I have consistently supported and will continue to support.

That is what the debate in the Senate is about today—whether or not this Congress will act on the will of the people and bring this system of campaign finance loopholes and the money chase to a close. My support for such action could not be more clear.

Notwithstanding my strong disagreement with his views, I am not going to oppose this nomination of Mr. Smith for the following reasons: Traditionally, there is a heightened level of deference given to the President’s nominees, particularly when the position is designated to be filled by one party. That is particularly the case with nominees to the FEC, who by statute are to be the representatives of their political parties on that commission. Moreover, in performing our constitutional responsibility to provide advice and consent to the President’s nominations, the Senate should determine whether a nominee is qualified to hold the office to which he or she has been nominated.

Mr. President, it is clear to me that Mr. Smith is qualified to hold this office. He is clearly intellectually qualified for the position. He is a recognized, although controversial, scholar on election law and the Constitution. He is bright, articulate, and anxious to serve. Again, I would not vote for him more, but to say he is not qualified to serve is not to have spent time reading his writings or listening to him. You can disagree with him—and I do vehemently—but he is certainly qualified to sit on the FEC, and importantly, he has appeared before the Senate Rules Committee and testified under oath that if confirmed, he will uphold the Constitution of the United States and the election laws of the land.

During Rules Committee consideration of this nominee, I asked Mr. Smith if, notwithstanding his personal views, was he prepared to enforce the election laws founded on the constitutional belief that political contributions can corrupt elections and need to be limited, as allowed by law and the Constitution. Mr. Smith responded that he would “proudly and without reservation” take that oath of office.

Finally, this Senate, and the Rules Committee in particular, have an obligation, in my view, to fill vacancies on the Federal Election Commission. Otherwise, we face gridlock and inaction by these agencies. The FEC is far too important, in my view, to be hamstrung by refusing to confirm a controversial but otherwise well-qualified nominee.

My vote in favor of this nomination should not be read as an endorsement of his views. Nothing could be further from the truth. It is an endorsement of the process that allows our political parties to choose nominees who hold views consistent with the FEC. I regret that the majority party here—at least a majority of the majority party—embraces the views they do, and nobody holds them more strongly than my friend and colleague from Kentucky. I think he is dead wrong in his views on these issues, but he represents the views of the majority party on this issue. They have made a choice that Bradley Smith reflects their views well on this issue. Therefore, they have the right, in my view, to have him confirmed to the seat, assuming that he is otherwise qualified to sit on the Commission. I would not vote for him if it
were strictly a case of endorsing his views as opposed to mine. But the FEC has never been a body where that has been a litmus test applied to Presidential nominees.

Whether or not this nominee is confirmed will not determine the real issue for Congress—and that is whether we will pass meaningful campaign finance reform laws to restore the public’s faith in our elected system of Government.

The fundamental problem we face is not whether Bradley Smith is on the FEC, but whether or not this body, before we adjourn this Congress, is ever going to address the fundamental campaign finance laws that some of us would like to see modified, including the McCain-Feingold legislation, which has been before this body in the past.

It is time, in my view, to confirm these nominees to ensure that this agency has a full complement of dedicated, talented Commissioners sworn to uphold the laws on the books.

It is time to get on with the work of the Senate to reform our campaign finance laws and give the FEC the resources it needs—and financially and statutorily—to restore the public’s confidence in our electoral system.

I yield the floor at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, let me say briefly to the ranking member of the Rules Committee, I listened carefully to his statement. I thank him very much for respecting the process by which we have selected our nominees for the Federal Election Commission. He made it clear that, had the choice been his, he would not have picked Professor Smith. I will make it clear a little later that had the choice been mine, I would not have picked Commissioner McDonald. This is the way the FEC is supposed to work. I thank my colleague for honoring that tradition.

The PRESIDING OFFICER. Under the previous order, the Senate is to recess at 12:30.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized at that point to use such time as I am allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:49 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Today we are debating a nomination that may be just as important to the cause of campaign finance reform as any bill that has been considered by the Senate in recent years. Tomorrow’s vote on the nomination of Brad Smith may be just as significant for campaign finance reform as any of the votes we had on those bills.

The issue here is the nomination of Brad Smith to a 6-year term on the Federal Election Commission, and I oppose that nomination.

Like other speakers, I take note of the photograph of Brad Smith’s family shown today on the floor only to make a point of his dissent—his nomination is certainly not analogous to treatment that has been given to judicial appointments, where we have had to wait for years and years for a confirmation vote. Mr. Smith was just nominated a couple of months ago. It has not been a long drawn out delay of his nomination that would do harm to him, his family, or anybody else. In fact, I rejected that kind of approach to his nomination because, as far as I know, Professor Smith is a perfectly normal, well educated, well versed person with one of his most bold statements. He made it clear that, had the need for the Federal Election Commission come at 12:30.

When a law is in need of continual revision to close a series of ever changing “loopholes,” it is probably not because the people that is in error. The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

That is right. The man who we may be about to confirm for a seat on the Federal Election Commission believes the very laws he is supposed to enforce should be repealed. Thomas Jefferson said we should have a revolution in this country every 20 years. He believed laws should constantly be revised and revisited to make sure they are responsive to the needs of citizens at any given time. Yet Professor Smith sees the need for closing a loophole in the Federal elections laws as evidence that the whole system, the whole idea of campaign finance reform, should be completely scrapped. In other words, what would be the purpose of the Federal Elections Commission under his view of the world?

A majority of both the House and the Senate have voted to close the loophole in the law known as soft money. We know that loophole is undermining public confidence in our elections and our legislative process. We have seen that loophole grow until it threatens to swallow the entire system. Many Members think it already has. A majority of the Congress wants to fix that problem. We are willing to legislate to improve an imperfect system. But Brad Smith wants to junk the system entirely and let the big money flow, without limit.

So what are we doing? We are about to put somebody with that view on the body charged with enforcing laws we pass. I don’t think this makes any sense.

Another statement by Professor Smith that I think should give us pause, in a policy paper published by the Cato Institute, for whom Professor
Smith has written extensively, he says the following:

The Federal Election Campaign Act and its various State counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.

Of course, this is consistent with his views that the Federal Election Campaign Act should be repealed. The FEC has loopholes and doesn’t work. Not only that, it is profoundly undemocratic and profoundly at odds with the First Amendment.

How can a member of the FEC, how can Brad Smith, reconcile those views with his new position as one of six individuals responsible for enforcing and implementing the statute and any future reforms that Congress may pass? He has shown such extreme disdain in his writings and public statements for the very law he would be charged to enforce that I just don’t think he should be entrusted with this important responsibility.

Let me repeat, this nominee says that the Federal Election Campaign Act is profoundly undemocratic and profoundly at odds with the First Amendment. Every bit of it. I am sure this body doesn’t agree. Is it profoundly undemocratic to argue that the tobacco companies, the pharmaceutical companies, and the trial lawyers shouldn’t be pouring money into campaigns through the parties, while they seek to influence legislation that affects their bottom lines? Is it profoundly undemocratic to believe that $20,000 per year is enough for a wealthy person to be able to contribute to a political party? Is it profoundly undemocratic to argue that the spending of outside groups to attack candidates should be reported? That the public has a right to know the identities and financial backers of groups that run vicious, negative ads against candidates just weeks before an election? I don’t take great pride in being a strong defender of the First Amendment. I wouldn’t vote for a bill that was “profoundly at odds with the First Amendment,” and I don’t think my colleagues, who form a majority of the Senate in support of campaign finance reform, would either. But we are being asked to confirm to a seat on the body that will implement these laws someone who sees these laws and our views as totally illegitimate.

I don’t think we can believe, apparently, that disclosure is a good thing, but that is all the regulation he wants to see in our elections.

In another article, Professor Smith writes: I do think that Buckley is probably wrong in allowing contribution limits. He believes and he reaffirmed this belief in the hearings on his nomination held by the Rules Committee that contribution limits are unconstitutional. Professor Smith’s view, as quoted by the Columbus Dispatch, is that “outside groups aren’t allowed to go beyond those limits whatever they want on politics. Whatever they want. He thinks there is no problem with unlimited contributions, none. Congress need not concern itself with that issue at all. Apparently. In an interview at MSNBC he said: I think we should deregulate and just let it go. That is how our politics was run for over 100 years. That’s what this is. We are asking somebody to enforce our election laws who says, literally, “just let it go.” That is some enforcement. Professor Smith would have us go back to the late 19th century before Theodore Roosevelt pushed through the 1907 Tillman Act and corporate contributions to Federal elections.

The limits on contributions from individuals to candidates—the very core of the campaign finance law that the Supreme Court upheld in Buckley v. Valeo and again in Nixon v. Shrink Missouri Government PAC—Brad Smith would junk these provisions along with the very statute that created the FEC, the body on which he now seeks to serve.

Whatever Professor Smith thinks that contribution limits are expendable because, in his view, the concerns about corruption are just overblown. Let’s look at what Mr. Smith has to say about that: He wrote in a 1997 law review article:

Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the government interest in the anticorruption rationale. Money’s alleged corrupting influence are far from proven.

Well it just so happens, Mr. President, that the U.S. Supreme Court doesn’t agree. Just a few months ago, the Supreme Court issued a ringing reaffirmation of the core holding of the Buckley decision that forms the basis for the reform effort. The Court once again held that Congress has the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process or the appearance of corruption. In upholding contribution limits imposed by the Missouri Legislature, Justice Souter wrote for the Court:

[T]here is little reason to doubt that some large donors call the tune and could jeopardize the willingness of voters to take part in our democratic process. As the Supreme Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who will be alert to the appearance of corruption. The appearance of corruption, Mr. President. We all know it’s there. We hear it from our constituents regularly. We see it in the newspapers and on television. And we know that the Federal Election Campaign Act is profoundly undemocratic to believe that “only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption.

Now, in the wake of that clear declaration by the Court, how can Bradley Smith continue to rationalize the gutting of the Federal Election Campaign Act? And how can we allow him the chance to carry it out as a member of the FEC?

We need FEC Commissioners who understand and accept the simple and basic precepts about the influence of money on our political system that the Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who believe in the laws they are sworn to uphold. We need FEC Commissioners who will be vigilant for efforts to evade the law, to avoid the clear will of the Congress. We need FEC Commissioners who will be alert to the development of new and more clever loopholes, tricks by candidates or parties or advocacy groups to avoid constitutionally valid limits on their activities or requirements that they operate in the light of day. We do not need FEC Commissioners who have an ideological agenda contrary to the core purposes and goals of the laws they must administer.

As any American who has been watching “The West Wing” in recent
weeks knows, nominees to the FEC come in pairs, one Democratic, one Republican. And the members of the Commission by tradition are suggested by the congressional leadership to the President. Now it would be a pipe dream for a President and the FEC to suggest that the Senate would actually nominate two Commissioners at once who favor campaign finance reform, as has happened on TV.

No, for reality to imitate art to that extent that would be too much to hope for. But at least we shouldn’t put the foremost critic of the election laws on the Commission. Surely the Republican leadership can suggest another qualified individual for this post who doesn’t believe the election laws should be repealed.

We all know this nomination was made as part of an agreement to get a vote on the confirmation of another presidential nominee last year. I am sorry that the Senate’s great responsibility to advise and consent to nominations was reduced to a game of presidential horse trading. In the end, I think the country suffers when these kinds of games are played, but I know it goes on, and I did not stand in the way of Mr. Smith as part of a package of nominations. But we still have a duty of advise and consent on each nomination, and I ask my colleagues to take a very hard look at this particular nomination and after doing so I hope you come to the conclusion to vote no.

The public is entitled to FEC Commissioners who they can be confident will not work to gut the efforts of Congress to provide fair and democratic elections. Surely the most recent agreement to bring Mr. Smith to a vote as part of a larger package of nominations was not done in good faith. Mr. Smith’s views were so completely at odds with the current campaign finance system. He has written numerous articles on the subject, he has frequently appeared before Congressional Committees, sat on panels and has appeared on television. Throughout the body of his writings and the decades he has been consistent: He believes the Federal Election Campaign Act is unworkable, unconstitutional, and undemocratic.

Mr. Smith takes the argument one step further: he is an aggressive proponent of near complete deregulation of the campaign finance system and believes that nearly any attempts to regulate the relationship between money and elections is folly. For example, in a 1997 Georgetown Law review article, Mr. Smith states quote: I have previously argued at length that campaign finance regulation generally makes for bad public policy. Campaign finance regulation tends to reduce the flow of information to the public, to favor select elites, to hinder grass roots political activity, to promote special interests, to undermine the influence peddling, and to entrench incumbents in office. I don’t want to belabor this point. Other colleagues are speaking to this issue and in all honesty it’s the least of my objections to the nomination. But in all I would simply say this to my colleagues: I cannot remember a time when this body confirmed a nominee—for any executive position—who’s own views were so completely at odds with the law. He doesn’t even take into account Mr. Smith claims that his own strong opinions notwithstanding he can and will enforce the law. Still, I don’t see how he can be true to both the law and his convictions. He will be responsible for administering a law that in his view that pose a threat to “political liberty.” He will be appointed to perpetuate a system that he feels was made “more corrupt and unequal” by the Federal Elections Campaign Act. Speaking for myself, I would not want to be caught in a situation that is antithetical to everything I know about politics, democracy, and good government—as Smith feels about current law. But the Senate is being asked to confirm a nominee with just that perspective.

If the FEC were simply an empty vessel, mindlessly executing the will of the Congress as stated in the Federal Election Campaign Act, Mr. Smith’s extreme views would be trouble enough. But that isn’t how the system works. And, in fact, the FEC has considerable leeway in interpreting FECA when it issues rules. The following are three interpretations of how a person with Mr. Smith’s attitudes about the law could do a lot of damage to the integrity of the system of regulations that govern election spending:

No. 1. Redefining “coordination”—Under current law, contributions to candidates are limited, but independent spending is unlimited. In order to avoid evasion of the contribution limits, the law specifies that any spending that is done in coordination with a candidate constitutes a contribution to the campaign. However, the FEC currently is considering a proposed rulemaking which would define “coordination” so narrowly as to make it meaningless. Under the proposed rulemaking, there would be no coordination unless the FEC could prove that the candidate specifically requested an expenditure, actually exercised control over the expenditure, or reached an actual agreement with the candidate concerning the expenditure. This rulemaking, if approved, would create a massive loophole that would enable a spender to maintain high level contacts with a campaign and still claim to be acting independently. This is a prime example of how a Commissioner can eviscerate the law while claiming to enforce it.

No. 2. Neglecting to close the “soft money” loophole—Soft money—which the Senate has spent years trying to ban—was basically “created” by an interpretation of the law. Recently, a complaint filed by five members of Congress and a separate complaint filed by President Clinton have urged the FEC to close the “soft money” loophole administratively. The FEC’s Office of General Counsel has submitted a notice of proposed rulemaking which outlines the steps that the Commission can take to close the “soft money” loophole if it so chooses. Brad Smith’s view that it is unconstitutonal to prohibit “soft money” makes it likely that he would reject a recommendation from the General Counsel to close the “soft money” loophole.

No. 3. Regulation of election-related activity over the internet—The FEC is currently considering the whole range of issues raised by the use of the Internet to conduct political activity. This is a largely uncharted area, and the current and future FEC Commissioners will play an important role in determining how these situations will be treated under the law. Brad Smith’s view that the federal government should scrap all of its campaign
finance reform efforts can be expected to strongly color his policy judgment about what regulations the FEC ultimately should issue in this area of the law.

I want my colleagues to be clear on this point: This nominee is no empty vessel. He will have the opportunity to actually shape election law through rulemaking—colleagues shouldn't kid themselves that FEC commissioners can just "follow the law" and that their nominations don't affect the anti-campaign finance law Commission can promote anti-campaign finance law rules.

Mr. President, I do want to take some time to get to the heart of my objection to the Smith nomination: He doesn't just disagree with the law, he disagrees with the express purpose of the law. The express purpose of the Federal Election Campaign Act is to limit the disproportionate influence of wealthy individuals and special interest groups on the outcome of federal elections; regulate spending in campaigns for federal office; and deter abuses by mandating public disclosure of campaign finances. Mr. Smith disagrees with all of these purposes. I think he achieves those goals, as he disagrees with those goals completely! Mr. Smith believes that money—regardless of how much or where it comes from—has no corrupting or disenfranchising influence on elections.

For example, let's look at what Smith wrote on the effect of money on how the Congress conducts its business, on what gets considered and what doesn't, on who has power and who does not. This is from "The Sirens' Song: Campaign Finance Regulation and the First Amendment." Smith argues:

If campaign contributions have any meaningful effect on legislative voting behavior, it appears to be on a limited number of votes that are sensitive to technical issues arousing little public interest. On such issues, prior contributions may provide the contributor leverage on the legislator of legislative staff. The contributor may then be able to shape legislation to the extent that such efforts are not incompatible with the dominant legislative motives of ideology, party affiliation, and agenda, and constituent views. Whether the influence of campaign contributions on these limited issues is good or bad depends on one's view of the legislation. The exclusion of knowledgeable contributors from the legislative process can just as easily lead to poor legislation as inclusion. Yet Smith concludes their inclusion. But in any case, it must be stressed that such votes are few.

Let me explain what I find so chilling about this statement. It would be one thing if Mr. Smith argued that money had no effect on policy. That regardless of the endless anecdotes and personal testimonials of members of Congress past and present, that having lots of money on your side buys you no extra influence in Congress. Some members of this body take that position. I think it's wise to think it's naïve. I think the American people see through it. In other words, it would be bad enough if that was Smith's view. But isn't. He asserts that money plays a role but only on "technical issues that arouse little public interest"—but worse, doesn't seem to be concerned about it! It does not appear to matter to Brad Smith that money affects the process and not just the outcome of the public's attention! Well with all due respect, most of what we do takes place below the surface here! We pass bills with scores of obscure provisions, hundred of pages long. No one knows what they all do, what they mean. Do we do them without knowing. It is there that the system is most ripe for abuse, where the greatest potential exists for those with the money, the clout, the access to game the system, but Mr. Smith isn't much worried about it... I agree with Smith that it is the small, stealth provisions which are most likely to appear or disappear because of money. But where I strongly disagree with Smith is that I believe that this is a problem. It should be abjuration, not typical. I think it's outrageous because that a person in a position to donate $200,000 to the NRSC or the DSCC that person is in a position to dictate policy—regardless of how obscure. I think it's wrong that a lobbyist, a wealthy person, can fold and pay for with a campaign contribution. I think it's wrong that a patent extension or favorable tariff treatment is up for sale. Because the matters are obscure, they are even more ripe for abuse. I won't elaborate on this because I think Mr. Smith, but I'd like the Commissioners to the FEC to be concerned with these abuses.

For example, I point my colleagues to an excellent article in the February 7 issue of Time magazine entitled "How to Become a Top Banana" by Donald Barlett and James Steele. This article details how it came to pass that the U.S. government imposed 100% tariffs on obscure European imports in an on-going attempt to force the European Union to withdraw access for Chiquita Bananas. As the article notes, the U.S. Trade Representative imposed tariff rates on products essential to the economic health of several U.S. small businesses to promote the interests of a firm who does not even grow its bananas in the United States. As it turns out, campaign contributions may have played a big role. The article concludes:

So what does the battlefield look like as the tariff or it applies to just a small percentage of the goods they sell. In Europe as in America, small businesses have been harmed by the U.S. tariffs. Larger companies that have been more successful. And the European Union has kept in place its system of quotas and licenses to limit Chiquita bananas. Who, then, is the winner in this war? That's easy, many members of Congress and the Democratic and Republican parties—all of whom have milked the war for millions of dollars in campaign contributions—along with the lobbyists who amassed the process. A final note. While Lindner (owner of Chiquita banana) had won a series of political battles andendid his battle with the European Union, a partial accounting of the flow of his dollars during the Great Banana War—as measured by contributions of $1,000 or less, as lobbying expenditures on the war, shows: Republicans—$4.2 million, Democrats—$1.1 million Washington lobbyists—$1.5 million. This does not count the bills passed by the House and the Senate. I'm told Committee staff refer to the provisions based on which industry "paid" for them. This provision is for the credit card companies, this one for the real estate industry, and so on it goes. As the Wall Street Journal noted on April 20 in an article entitled "Bankruptcy Reform Pits Industries Against Each Other":

Lawmakers like to portray the battle over bankruptcy reform as a clash of principles: stopping debtors from shirking their obligations or creditors from fleecing the needy. But in the back rooms of Capital Hill, the nature of the fight changes. Industry lobbyists, many ostensibly allied in favor of bankruptcy overhaul legislation, vie to carve out as many favors for their clients as possible and to undermine other benefits for their clients. These contests pit auto companies against credit card issuers, retailers against Realtors and the Delaware bar against lawyers from the rest of the U.S.

Again, the major political parties seem to be the major winners in all of this (well, aside from the lenders) and certainly not low and moderate income debtors. Contributions from the lending industry to both parties since 1997 tops $20 million. But that doesn't much concern Mr. Smith, the man who would be in charge of enforcing our campaign finance laws.

Smith even argues even more explicitly that tying legislation to campaign contributions is not necessarily a bad thing. Or at least that being attentive to campaign contribution will make politicians more attentive to the public. He argues in "A Most Uncommon Cause":

What reformers mean by corruption is that legislators react to the wishes of certain constituencies, or what, in other circumstances, might be called 'responsiveness.' The reformist position is that legislators shape their votes and other activities based on campaign contributions. They call this corruption. Mr. Smith dominates the reformist camp. They argue, unfairly frustrating the popular will. For one this, it is proper, to some extent, for a legislator to vote in ways that will please state-channels, which view from the legislators viewpoint, have the beneficial effect of making those constituents more likely to donate to the legislators re-election campaign.

But who does it make them more attentive to? The wealthy, the heavier hitters, the tiny proportion of the population who can make substantial contributions to candidates. Again, the fact that Smith admits this is the case is not surprising. Many critics of private money in politics draw the same conclusion. What colleagues should find outrageous is that Smith, again,
sees nothing wrong with this relationship.

It is the money in politics which has stripped away from many Americans the capacity to have one’s vote weigh as much as the person in the next polling booth. A voter in the South Central, LA is worth as much as a vote in Beverly Hills. The vote is underdetermined by the dollar. The vote may be equally distributed, but dollars are not. As long as elections are privately financed, the candidate who gives more will always have a leg up in supporting candidates, in running for office themselves, and in gaining access and influence with those who get elected. We all know this is the way it works. And the American people know it, too.

Bizarrely, though, Smith argues that wealth, and therefore the ability to affect elections is distributed equitably enough through out our society that the inordinate influence of money is not inordinately concentrated among a small subset of the population. In a 1997 piece entitled “Money Talks: Speech, Equality, and Campaign Finance” Smith states:

Very few citizens have the talent, physical and professional, luck of time and good place, or wealth to influence political affairs substantially. Thus a relatively small number of individuals will always have political influence far exceeding that of their neighbors. However, to the extent that wealth (however that might be defined) than there are citizens capable of running a political campaign or quality political ad- 


The picture of those who contribute the vast majority of money to can-
didates under the current contribution limits does not look like America, it is overwhelmingly white, male, and wealthy. A study conducted of donors in the ’96 election found the following characteristics of such donors: 95 percent were white, 80 percent were male, 50 percent were over 60 years of age and 81 percent had annual incomes of over $100,000. The population at large in the United States had the following characteristics at that time: 17 percent were non-white, 51 percent were non-white, 12.8 percent were over 60, and only 4.8 percent had incomes over $100,000.

For example, the organization Public Campaign found that during the 1996 elections, just one zip code—10021, in New York City—contributed $9.3 million. There are only 107,000 people in that exclusive slice of Manhattan real estate and the vast majority (91 percent) are white. On the other side of the lop-sided equation are 9.5 million residents of the United States who are more than 90 percent people of color. They gave $5.5 million. Are these groups equally before the law?

Additionally, Only a spectacularly small portion of U.S. citizens contribute more than $200 to political campaigns. In the first half of 1999:

- Only 4 out of every 10,000 Americans (.037%) has made a contribution greater than $200.
- As of June 30, 1999 only .022% of all Americans had given $1000 to a presidential can-
didate.

In the ’98 election, only 5% of all Americans gave $1000, or 1 in 5000.

So again, Smith has the argument precisely backward, because so few can effectively participate through campaign contributions it is inherently unequal means of political participation. The fact that a few actors—big corporations, unions, the truly wealthy—have nearly all the funds to pour into races exacerbates the disparity between the average citizen and the monied citizen. But other means of political participation are inherently limited—no matter who you are, there are only 24 hours in a day or seven days in a week—do no one has that much of an advantage.

But Smith goes further than simply arguing that campaign contributions can buy legislatively favorable outcomes. He argues in “Money Talks” that money is speech—
send the strongest message to the community. It is true that the basis of support for the cause (or candidate) remains, yet the message in each gift is substantially different.

Combined with the fact that only a tiny percentage of voting citizens are able large hard contributions (much less truly massive soft money contributions) Smith is advokating for a system where much political speech is effectively closed to most Americans because they can’t muster the resources to make a send a loud “message.”

If money equals speech, we can clearly see who we are letting do all the talking—or at least those are the folks who are listening to. The hopeful, democratic concerns of the vast majority of the American people are going unheard because the bullhorn of the $1,000 contribution crowds them out. Why would want to make that bullhorn bigger and louder? Why would we want to give greater access and more control to those who already have it locked up? But that is the direc-
tion that this FEC nominee would see us go in.

Like Smith, I too am a critic of our mechanism for financing of elections. This current system of funding congressional campaigns is inherently anti-democratic and unfair. It creates untenable conflicts of interests and screens out many good candidates. By favoring the deep pockets of special interest groups, it tilts the playing field in a way that sidelines the vast major-
ity of Americans. But unlike Smith, I support reforms that would expand po-
tical participation. Unlike Smith I have no illusions that inequities in the wealth rules—do not result in a distorted prod-

In 1966 in the case of Harper versus Virginia State Board of Elections, the Supreme Court struck down a poll tax electoral standard. Voter qualifications have no relation to wealth.”

In 1972 in Bullock versus Carter, the Court again faced the issue of wealth in
the electoral process and again stated that such a barrier was unconstitutional. This time, the question concerned a system of high filing fees that the state of Texas required candidates to pay, in order to appear on the primary ballot. The fees ranged from $150 to $8,900.

The Court invalidated the system on Equal Protection grounds. It found that, with the high filing fees, quote: "pocketbook or constituents' personal wealth and affluent backers are in every practical sense precluded from seeking the nomination of their chosen party, no matter how qualified they might be and no matter how enthusiastic their support." Unquote. These cases may have no literal legal implications for our system, where deep pocket citizen or own or political friends—are a prerequisite for success. But they do have a moral implication.

I do believe that in America's elections today we have a wealth primary, a barrier to participation to those who are not themselves wealthy or who refuse to buy in to monied interests. Is it an absolute barrier? No. Does it mean that every candidate for federal office is corrupt? No. However, the price of access to the ballot that the economists would call the "opportunity cost." It is a cost represented by lost opportunities, by settling for those who are most electable rather than those who are the best representatives of the American people. And I do not believe that we do suffer in a system where money equals power, inequality of wealth can be reconciled with equality of participation.

That, I say to my colleagues, is why I cannot support Mr. Smith's nomination. And it isn't that he is a critic of the present system. Indeed I agree with Smith that fixing the system is not fundamentally an issue of tightening the campaign-finance laws, no longer a question of what's legal and what's illegal. The real problem is that most of what's wrong with the current system is perfectly legal.

Many people believe our political system is corrupted by special interest money, and they are right. They see that money, for example, might influence the outcome of specific votes on legislation and, therefore, a Senator votes on the basis of their qualifications. We ought not believe that is part of any formal agreement, and it should not be a part of any informal agreement. We ought to vote on these candidates on the basis of their qualifications. We ought to be voting on them on the basis of what it is we ask them to do in Government.

While I respect Brad Smith's intellectual ability and while I like him as a man—and I am saying that—I believe it would be a terrible mistake for the Senate to confirm him. It sends a terrible message of our viewpoint of the mix of money in politics and whether or not we are serious about any reform.

In many ways, this is the core problem—the mix of money in politics. I believe we have moved dangerously close to a system of democracy for the few. Money has hijacked politics in this country. It is no wonder we see a decline in the participation of people in public life and politics. Most people believe money dominates politics, and it does.

I am in disagreement with Brad Smith. Money—other Senators can come to the floor and disagree and debate—determines all too often who gets to run. All too often it determines who wins the election or who loses the election. All too often it determines what issues are even put on the table, and whether or not we are serious about any reform. All too often it determines the outcome of specific votes on amendments or bills. All too often on a lot of the details of legislation, special interests are able to get their way. All too often it is on the basis of some people, some organizations, some groups, some having way too much wealth and power and the majority of the people left out.

It is incredible to me. We have all become so used to this system that we have forgotten the ways in which it can be so corrupting, not just groups of individual Senators doing wrong because someone offers them a contribution and, therefore, a Senator votes...
this way or that way, I do not think that happens. I hope it does not happen. I pray it does not happen.

I will say this. We have the worst kind of corruption of all. It is systemic, and it is an imbalance between those who control the financial resources and the majority of people in the country who do not. It is when too few of those people have way too much of the power and the majority of the people feel left out. When that happens, there is such a lack of balance of access, influence, say, and power in the country that the basic standard in a democracy that each person should count as one, and no more than one, is seriously violated.

It is interesting. I point out for colleagues, in the first half of 1999, just looking at the contributions, only 4 out of every 10,000 Americans, .03 percent, made a contribution greater than $200. As of June 30, 1999, .022 percent of all Americans had given $1,000 to a Presidential candidate. In the 1998 election, .06 percent of all Americans gave $1,000, and that was in 5,000.

This does not even take into account all the soft money contributions. This does not take into account the $500,000, and the $20,000 in contributions. What happens is that the vast majority of people in the country—I am sorry, just poor people who do not have financial resources—the vast majority of people in the United States of America believe—believe, for themselves, their families, and their communities—are of little concern in the corridors of power in Washington, DC, where they see a political system and a politics dominated by big money and, therefore, really believe they are shut out. We have given them entirely too much justification for that point of view.

I do not see how in the world we can vote for Brad Smith, given how clear he is in his opposition to reform. Given the pervasive domination which go in the exact opposite direction of believing that money in any way, shape, or form can be corrupting of this political system and corrupting of democracy, we send a terrible message to people in this country if we vote for this nominee. Senator McCain is on the floor. He will be speaking later. His campaign certainly tapped into that. His campaign brought that out in people. That is but one powerful example.

We have a President who loves to have a Government they believe is their Government. They would love to have a Senate and a House of Representatives they believe belong to them. People right now—I have said it before in the Senate—believe, they pay, and if you don't pay, you don't play.

Above and beyond this debate, I want us to get to the point where we make some significant change. What is at stake on this whole reform question is basically whether or not we will continue to have a vibrant representative democracy. If your standard is that each person should count for no more than one, we have moved so far away from that strikingly.

This may be a terrible thing to say on the floor of the Senate because I love being a Senator. I will thank Minnesota for the rest of my life for giving me this chance. In many ways I think we have a pseudodemocracy, a minidemocracy. We have participation, we have government of, by and for maybe about 20 percent or less of the people.

There are many things that need to be done which can lead to democratic renewal. One of them is to get serious about the ways in which money has come to dominate politics, the ways in which we now have the most severe imbalance of power we could imagine, which is dangerous to the very idea of representative democracy.

I want to see us move to a clean money-clean election. I love what Massachusetts has done; I love what Arizona has done; and I love what Vermont has done. I know other States want to do it. If I ever get the chance, I am going to offer a bill or an amendment that will say that every State should apply these reforms. I think that every campaign should not only to their State races but to Federal races, give the right to the States as to whether or not they want to have essentially a fund people can draw from—maybe everybody contributes a few dollars a year—which enables people to say: By God, these are our elections; our voice counts; no one person and no one interest is dominant.

There will be the McCain-Feingold bill. I will be pushing hard for the clean money-clean election effort. There are other people who have had ideas. I want us to come out here and get serious about passing reform legislation. I do not yet: I know that. I think the mode of power for change is going to have to come from a citizen politics; a citizen politics will have to be the money politics. You will have to have an engaged, energized, excited, empowered, determined citizen politics that will force us to pass this reform legislation.

In the meantime, I urge colleagues not to vote for Brad Smith's nomination—not because he isn't a good person; he is—because of the basic philosophy he holds, the basic viewpoint he holds which is so antithetical to reform. I think this is a test case as to whether or not we are serious about the business of reform. I hope we vote no.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in opposition to the nomination of Mr. Smith to the Federal Election Commission. I have been a staunch critic of his nominations toward Mr. Smith, and I am sure he is a fine man. However, he should not serve in the position to which he has been nominated. Sending Brad Smith to the FEC is akin to confirming a conscientious objector to be Secretary of Defense.

It would be well to put the debate we are having today and for a short period tomorrow in the context of what is going on as we speak. Tuesday, May 23, from an LA Times article, "Democratic Fund-Raising King Has 26 Million Reasons to Gloat."

Brash, unapologetic Terry McAuliffe helps party raise "greatest amount of money ever." Critics decry "political extortion."

Even on an average day, Terry McAuliffe is exuberant. But these days, the Democrats' fund-raising master can barely contain himself.

After six weeks of making 200 telephone calls a day, attending happy-hour rallies with small time fund-raisers and wooing new high-dollar givers at dinner parties, McAuliffe is on track to raise $26 million at a blue-jeans-and-barbecue event at a downtown sports arena Wednesday night—"the greatest amount of money ever in the history of American politics."

Then, turning to leave for another dinner where he would woo a likely big-money contributor, McAuliffe added: "Get those checkbooks out!"

Although a $100,000 contribution was a benchmark in the last presidential election, this year around fund-raisers are accepting scores of checks for $250,000 and more from those who want to qualify as political players.

For Wednesday night's event at Washington's MCI Center, no fewer than 25 people raised or donated at least $500,000, McAuliffe said.

By March, unregulated "soft money" donations to both parties were soaring, with Democratic totals nearly matching Republican. According to the Center to Protect Political Accountability, soft money donations to both parties were soaring, with Democratic totals nearly matching Republican. According to the Center to Protect Political Accountability, 'soft money' was having a much bigger impact on the general election.
In fact, constitutional or not, campaign finance reform has turned out to be bad policy. For most of our history, campaigns were essentially unregulated, yet democracy survived. Fueled by the same passage of the Federal Elections Campaign Act and similar State laws, the influence of special interests has grown, voter turnout has fallen, and improprieties have become tougher to dislodge. . . .

Apparently, Mr. Smith lived in some other nation during the Watergate scandal, when unlimited amounts of money would be carried around in valises, when corporations and individuals were literally being extorted for money which was unaccounted for. Apparently, Mr. Smith missed the widespread, nationwide revulsion at these abuses, which brought about the campaign finance reform laws of 1974. Apparently, Mr. Smith was not seeking public office, as I was in 1982, when there was no such thing as soft money, where we had to go out and raise small amounts of money from many, many donors, where we had to send the $500,000 grassroots campaign to which Americans have grown accustomed. Perhaps Mr. Smith was not aware that, until late into the 1980s, campaigns were conducted in a very different fashion than today.

Not recognizing any role that creative evasion of the laws has played in these results, Mr. Smith concludes his article by writing:

When a law is in continual revision to close up one loophole, there is probably the law, and not the people, that is in error. The most sensible reform is a simple one

I am quoting from Mr. Smith's article in the Wall Street Journal. Mr. Smith's article is the most sensible reform of the Federal Elections Campaign Act. The law is not perfect, but it is the only one that has been passed by the government in the effort to reform the nation's campaign finance laws.

When you're dealing with $250,000 and $500,000 campaign contributions you are flatly dealing with influence-buying and -selling and with political extortion.

Mr. President, that is the context in which we are considering the nomination of a man who has written extensively, not very persuasively, on the fact of no regulation whatsoever concerning the role of money in American politics. We know that the role of the FEC is to "administer, seek to obtain compliance with, and formulate policy with respect to" the Federal Campaign Act.

The FEC has the exclusive authority with respect to civil enforcement of the law. Clearly, then, it is obvious that FEC Commissioners should be dedicated to the proposition of Federal election regulation. Each Commissioner must be committed to ensuring a fair and open election process which is not tainted by the appearance of impropriety. Each Commissioner must be prepared to— I emphasize—uphold the law and preserve its integrity by prohibiting the use and proliferation of loopholes.

I do not believe Mr. Smith has a philosophical commitment to upholding the intent of the law necessary to perform the duties of an FEC Commissioner. In fact, Mr. Smith has been highly critical of campaign reform. It is not that Mr. Smith simply disagrees with particular details of campaign finance reform. He disagrees with the basic premise that campaigns should be regulated at all—a distinctly and unique minority position in America—or that campaign contributions play any part in public cynicism of our political system.

I refer to a March 17, 1997, article that Mr. Smith wrote, published in the Wall Street Journal. It is entitled "Why Campaign Finance Reform Never Works." The title says it all in terms of his philosophy. Apparently, Mr. Smith never heard of Theodore Roosevelt.

I quote from his article, Mr. President:

"The First Amendment was based on the belief that political speech was too important to be regulated by the government. Campaign finance laws operate on the directly contrary assumption that campaigns are so important that speech must be regulated. . . . The solution to the campaign finance dilemma is not to reinstate each of the campaign finance reformers, dismantle the Federal Elections Campaign Act, and the FEC bureaucracy, and take seriously the phrase of campaign "corruption" that the Founding Fathers wrote into the Bill of Rights: "Congress shall make no law abridging the freedom of speech."

Is Mr. Smith ignoring the fact that President Theodore Roosevelt led the fight to prohibit union campaigns and corporate contributions to American political campaigns? Is Mr. Smith ignorant of the fact that the overwhelming majority of both Houses of Congress enacted comprehensive campaign finance reform in 1974? I stand proudly by Theodore Roosevelt in believing the 1907 reforms were valid. Mr. Smith does not.

Apparently, Mr. Smith missed, or has not heard of, the recent decision of the U.S. Supreme Court which directly repudiates Mr. Smith's assertions. I also find it curious that a person would hold views that have been directly repudiated by the U.S. Supreme Court—not holding their views as to the validity or his commitment to them, but certainly it is hard for me to understand how he would hold views that the U.S. Supreme Court, in their appointed duties, has ruled as constitutional.

In one of the comments made by the U.S. Supreme Court, in U.S. Supreme Court decisions, at the end of part B, the U.S. Supreme Court goes out of its way to even mention Mr. Smith:

"There might, of course, be need for a more extensive evidentiary documentation if petitioners had made any showing of their own to cast doubt on the apparent implications of Buckley's evidence and the record here, but the closest respondents come to challenging these conclusions is their invocation of acausal studies said to indicate that large contributions to public officials or candidates do not actually result in changes in candidate's positions. Brief for Respondents Shrink Missouri Government PAC; Smith, Money Talks: Speech, Corruption, Equality, and Campaign Finance; Smith, Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform. Other studies, however, point the other way.

Obviously, the U.S. Supreme Court did not agree with Mr. Smith's conclusions. If Mr. Smith were intellectually honest, he would note in his next upholding of his view that his view has been directly repudiated by the U.S. Supreme Court.

Another example. In light of Senator Thompson's investigation in the 1996 finance scandal, the unsettled buying and selling of influence, which the Clinton-Gore campaign practiced, such as overnight stays at the White House, selling seats on foreign trade missions, and receiving money from foreign governments, what Mr. Smith wrote in USA Today on July 8, 1997, was this:
Campaign reform is not about good government. It’s about silencing people whose views are inconvenient to those with power. ... The real campaign-finance scandal has little to do with Senator Fred Thompson’s investigation. The real scandal is the brazen effort of reformers to silence the American people.

I have been around here a lot of years. An allegation of that nature, even though I have been here for some period of time, I find very offensive. I repeat what Mr. Smith said: ‘The real scandal is the brazen effort of reformers to silence the American people.’

I think the record is clear of not only my own opposition to anyone who would do anything to this Nation on behalf of free speech, and certainly to argue that those of us who have a different opinion than Mr. Smith are conducting a brazen effort to silence the American people is obviously something that not only do I find offensive, but something that I find disqualifying in Mr. Smith.

It is clear that Mr. Smith believes there is no such thing as appropriate campaign finance reform. He believes that all campaign contributions are spending, and influence peddling are protected without limitation. He has advocated and again the repeal of the very law he would be sworn to uphold and enforce. How can we seriously consider confirming his nomination to serve as a Commissioner?

I would like to say a word about his really inappropriate remarks about Senator Fred Thompson’s advice. Senator Fred Thompson’s investigation got to some serious issues, such as breach of national security, such as foreign influence peddling, such as unlimited amounts of money coming in from foreign nations to influence our political process. Whether most Americans believe Senator Thompson’s conclusions were correct, I think they certainly agreed it was an appropriate action. In fact, it was agreed to by both Republicans and Democrats that Senator Thompson’s investigative hearings take place.

Mr. Smith says, ‘The real scandal is the brazen effort of reformers to silence the American people.’ That is a remarkable statement among many remarkable statements Mr. Smith has made.

Others are equally concerned about Mr. Smith’s suitability to serve on the FEC. The Brennan Center for Justice at the New York University School of Law has this to say. This is the Brennan Center for Justice at the New York University School of Law:

Imagine the President nominating an Attorney General who believes that most of our criminal laws are ‘profoundly undemocratic’ and under the urging of a senator who has publicly called for the repeal of all securities laws with the plea, ‘We should deregulate and just let it go.’ Or a nominee for EPA Administrator who believes that the agency he aspires to head and ‘its various state counterparts’ should be abolished. It would be unthinkable. In a society rooted in the rule of law, we would never tolerate the appointment of a law enforcement officer who has vocally and repeatedly denounced the very laws he would be called upon to enforce, much less one who has called for the repeal of those laws and the abolution of the very agency he aspires to head.

‘Unthinkable. Yet, President Clinton, at the urging of Senator Lott and Senator McConnell, has nominated Bradley A. Smith to fill one of the vacancies on the Federal Election Commission. Brad Smith, a law professor at Capital University Law School, has devoted his career to denouncing the FEC and the laws it is entrusted to enforce in precisely those strident terms. He believes that virtually the entire body of the nation’s campaign finance law is fundamentally flawed and unconstitutional. He has forcefully advocated deregulation of the system. And if the James Watt of campaign finance had his way, the FEC and its state counterparts, would do little more than serve as a file drawer for disclosure reports.

Brad Smith’s sponsors and supporters are floating the myth that it is campaign finance reformers, rather than Smith, who are the radicals on these issues. However, the Supreme Court only last month in Shrink Missouri Politics v. FEC found the Missouri pay-to-play laws unconstitutional—are unconstitutional.—not just the personal dislike but a firmly held tenet that all campaign finance laws should be scrapped and there be no such law. How in the world could you then expect someone to face a fundamental contradiction of their basic beliefs that a law is unconstitutional and yet seek the position where his sole duties are to enforce those laws? How Mr. Smith could even take an oath to uphold the same laws of which he has time and again rejected and advocated their repeal is a mystery.

What does that say? Either he is willing and able to cast aside lifelong beliefs and principles in order to hold a prestigious position or he is less than sincere in undertaking enforcement of campaign reforms or enforcing existing laws.

President Reagan once said no to a Democrat whose name was submitted. President Clinton could have done the same. I say, shame on you, Mr. President, for not rejecting this name. Let me be perfectly clear: I do not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.

If you took a poll of the 100 Members of this body, I don’t think you would find more than perhaps one who would say, ‘Oh, Mr. Smith does not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.’

If you took a poll of the 100 Members of this body, I don’t think you would find more than perhaps one who would say, ‘Oh, Mr. Smith does not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.’

If you took a poll of the 100 Members of this body, I don’t think you would find more than perhaps one who would say, ‘Oh, Mr. Smith does not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.’

If you took a poll of the 100 Members of this body, I don’t think you would find more than perhaps one who would say, ‘Oh, Mr. Smith does not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.’
It is about silencing people whose views are inconvenient to those with power. The real scandal, Mr. Smith says, is the brazen effort of reformers to silence the American people.

A statement such as this impugns the motives of many millions of good and decent Americans who believe this reform is necessary in a remarkable way. I do not impugn the motives of Mr. Smith. I disagree with him. I do not believe Mr. Smith is trying to silence the American people. I do believe he is wrong in his positions and he is wrong for this job.

It is because he objects to any form of campaign regulation that I oppose him, because he can acknowledge all the examples of campaign abuse witnessed in the 1996 election, as he did in an article published by the American Jewish Committee in December 1997, and still he contends that the only reform necessary is deregulation. So those kinds of abuses become the norm. In his number cited the most unsavory examples of fundraising by the Clinton-Gore campaign. He goes on to say:

Yet, we now see, on videotape and in White House Press briefings, a United States meeting with arms merchants and drug dealers; we learn of money being laundered through Buddhist nuns and Indonesian gardeners; we read that the acquaintance of the President are fleecing the country or threatening to assert Fifth Amendment privileges to avoid testifying before Congress.

What troubles me most about Mr. Smith is that, after acknowledging all of these incidents, he concludes that since campaign reform has not eliminated those abuses, we should simply give up and allow a free for all. That’s like saying, “Since the laws against murder haven’t eliminated murders, we should simply legalize murder.” Or, “Since the country’s drug laws haven’t been enforced sufficiently to eliminate illegal drug deals, we should simply legalize drug use.”

Is someone with that kind of attitude the right person for the job? I don’t think so, and I cannot believe that my colleagues can in good faith and with a straight face assert that he is.

It should be a grave concern to my colleagues that Brad Smith concedes all of the facts of the 1966 campaign scandal, but apparently sees nothing wrong with perpetuating and legalizing those wrongs. I do not believe the American people.

Mr. Smith advocates anything goes in election campaigns and says no tactic is too unseemly, too corrupt to be protected by the first amendment of the Constitution. By the way, I believe it was Justice Stevens who said in his opinion in the Shrink Missouri decision that money is property, money is not free speech.

I do not agree that our Founding Fathers could have intended such a result any more than I would approve someone yelling “fire” in a crowded theater. The Supreme Court has concurred in the recent Shrink Missouri decision in upholding the State of Missouri’s campaign contribution limits. The Court reiterated its determination from their earlier Buckley v. Valeo decision that the prevention of corruption and the appearance of corruption is a constitutionally sufficient justification for limiting contributions as a form of speech. Mr. Smith’s position is in direct contradiction to what the U.S. Supreme Court stated in Shrink Missouri. I repeat, the U.S. Supreme Court said the prevention of corruption and the appearance of corruption is a constitutionally sufficient justification for limiting contributions as a form of speech.

In speaking of “improper influence” and “opportunities for abuse” in addition to “quid pro quo” arrangements, we recognized a concern not confined to bribery of public officials, but extending to the broader threat from politicians too compliant with the wishes of large contributors. These were the obvious points behind our recognition that the Congress could constitutionally address the power of money “to influence governmental action in ways less ‘blatant and specific’ than bribery.”

As Justice Stevens said in his concurring opinion in the Shrink case, responding to the arguments raised by Justice Kennedy in his dissent:

"Since the country’s drug laws haven’t been enforced sufficiently to eliminate illegal drug deals, we should simply legalize drug use.”

"FECA and its various state counterparts are unconstitutional. He has written that campaign finance laws are, in their entirety, unconstitutional. This demonstrates his comprehensive contempt for the agency, and the constitutionality of the FEC should be abolished, and has written that the Federal Election Campaign Act (FECA) is unconstitutional. Clearly, as someone who strongly opposes the law he would be duty-bound to uphold and administer impartially, Mr. Smith should not be confirmed.

The FEC was created for the sole purpose of upholding and enforcing the FECA. Mr. Smith’s position is in direct contradiction to many millions of good and decent Americans who believe this reform is necessary in a remarkable way.

Any member of a federal regulatory agency should, at a minimum, believe in the mission of that agency, and the constitutionality of those laws. Not only does Mr. Smith dissent in his opinion in the Shrink Missouri case, but he also demonstrates his comprehensive hostility to the federal campaign finance laws—laws which he believes are wrong, burdensome, and unconstitutional.

Mr. Smith is on record stating that federal campaign finance laws are, in their entirety, unconstitutional. He also states that “FECA and its various state counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.”

Mr. Smith also wrote: “The solution is to recognize the flawed assumptions of the campaign finance reformers, dismantle FECA...”
and the FEC bureaucracy, and take seriously the system of campaign finance regulation that the Founders wrote into the Bill of Rights: Congress shall make no law... 

Any individual who believes that an agency’s organic statute is unconstitutional and should be repealed in toto, is not fit to serve as a Commissioner of the agency charged with administering and enforcing that statute.

No one, for example, would conceive of appointing to lead the Drug Enforcement Agency an individual who believes all federal anti-drug laws are unconstitutional and should be repealed. Such an appointment would be viewed as an act of utter disdain and disbelief of laws to be administered by the agency involved.

Mr. Smith believes the federal campaign finance laws are not only unconstitutional, but misguided in their very purpose. In supporting repeal of the campaign finance laws, he has written that the country “would best be served by deregulating the electoral process.”

Mr. Smith’s ideas are not simply a matter of whether one takes a liberal or conservative view of the existing campaign finance laws. We see here is what he regards the law will be administered and enforced to its full extent. While Mr. Smith’s ideas may be appropriate for an academic participating in public debate, they wholly undermine the role for a Commissioner charged with administering and enforcing the nation’s anti-corruption laws enacted by Congress and upheld by the nation’s highest Court. The purpose of the FEC is not to be a debating society. The role of a FEC Commissioner is not to be an advocate.

Indeed, Mr. Smith fails even to accept the fundamental anti-corruption rationale for the campaign finance laws—the rationale that was at the very heart of the Supreme Court’s decision in Buckley v. Valeo, upholding the constitutionality of the existing campaign finance laws, and which was reaffirmed this year by the Supreme Court in Nixon v. Shrink Missouri Government PAC.

In that case, Justice David Souter, writing for the majority, stated “There is little reason to doubt that sometimes large contributions to political parties and candidates for public office may corrupt the political system, and no reason to question the existence of a corresponding suspicion among voters.”

Mr. Smith dismisses the rationale by writing that corruption’s alleged corrupting effects are far from proven... portion of Buckley that relies on the anti-corruption rationale is itself the weakest portion of the Buckley opinion—both in its doctrinal foundations and in its empirical ramifications.”

The FECA requires the members of the Federal Election Commission shall be chosen “on the basis of experience, integrity, impartiality, and good judgment.” 2 U.S.C. §374(a)(3). While we believe President Clinton would have been within precedent to reject the recommendation from Senate Majority Leader Trent Lott (R-MS) of Mr. Smith’s nomination (President Reagan rejected a proposed FEC nominee in 1986), the Committee now has the responsibility to judge whether Mr. Smith meets those criteria.

Mr. Smith is in no way “impartial” about the campaign finance laws. He simply does not believe in them.

Mr. Smith’s extreme opposition to the existence of the federal campaign finance laws, and his clearly stated views that they are unconstitutional, make him unfit to serve as a Commissioner of the FEC.

Common Cause strongly urges the Committee to vote against Mr. Smith’s nomination. A vote to confirm Mr. Smith is a vote against campaign finance reform.

Sincerely, SCOTT HARSHBARGER, President.

The WRONG MAN for the JOB
(By Fred Wertheimer, President, Democracy Action)

Woul...
of Public Integrity in the Justice Department, he said he was "under a lot of pressure not to go forward with the investigation"—I wonder who from—and that Ms. Reno's job "might hang in the balance."

The pernicious effect of a campaign finance system which has run amok. That is not confined to the Democratic Party. There have been abuses on my side as well because this system knows no party identification. This system knows only the increasing aversiveness of a system that has run amok.

We are now about to confirm as one of those whose appointment is to enforce the law someone who is adamantly opposed to the law, believes the law is unconstitutional. And we are in a situation in America today that, in the view of more objective observers than I, can only be compared to the turn of the century when the robber barons of this Nation, through huge inputs of money to political campaigns, had basically bought the American Congress. Thanks to the brave and courageous efforts of one Theodore Roosevelt, joined by millions of other like-minded reformers, we brought an end to that occupation.

Now we are about to appoint to that body an individual who will not only not be opposed, who will not only not support trying to clean up this system, but will try to remove the last vestiges of campaign finance reform law as it exists today. All I can say is it is a 5-year appointment. He will not be there forever. We will have campaign finance reform.

As my colleagues know, I recently completed an unsuccessful campaign for the nomination of my party for the Presidency of the United States. It was one of the most rewarding and uplifting experiences of my life. I learned many things during that campaign. I will not clutter the Record with the lessons I learned.

When I began the campaign, I said the theme of my campaign would be reform. Every political pundit said there was no room for reform in the political agenda. In hundreds of townhall meetings and thousands of speeches, I said: Campaign finance reform is the linchpin; if we want to reform education, if we want to reform the military, if we want to reform the tax code, if we want to reform the institutions, government, we must get this Government out of the hands of the special interests and back to the people. I believe that message resonated then and resonates to this day.

We are about to appoint an individual now in complete contradiction to what I believe is strongly the will of the people, not only that existing laws be enforced but new laws be enacted in order to close the loopholes that have been created since the passage of the 1974 law.

We, in our wisdom, are about to appoint an individual who flies in the face of everything I learned in my campaign, despite a clear voice from the American people, particularly from our young, particularly from our young citizens to whom, sooner rather than later, we will pass the torch of leadership of this Nation, who have become cynical and even alienated from the political process—not without good reason.

Mr. President, I note the presence of the Senator from Vermont. I might say to the Senator from Vermont, I had a wonderful day in his State long ago. I was well received and well loved by the citizens of his State. I appreciate the opportunity, always, to be in lovely Montpellier. I thank him and his fellow citizens for all their hospitality.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent I be allowed to take 7 minutes of the 15 minutes that is reserved to the Senator from Vermont on the Timothy Dyk nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. M cCAIN. Mr. President, I reserve the remainder of my time.

Mr. LEAHY. Mr. President, while the Senator from Arizona is still on the floor, I was going to say at the beginning of my remarks, the Vermont press showed very clearly how well respected the Senator from Vermont is in Vermont and how well received he was. He was one of the biggest vote getters our State has ever had. He did an extremely good job. He won his party's primary overwhelmingly. In Vermont his victory was declared within, I think, 5 minutes after the polls closed on primary day because the number was so overwhelming.

I say this because, while I was not at the convention where he spoke, as he can imagine—it was the Republican State convention—many of my dear friends and supporters were there. They told me also how much they respected what the Senator from Arizona said, as they had when he had been in Burlington earlier in his campaign and spoke to an overflow crowd. Montpellier is where I was born, so I always watch what happens there. I say to my friend from Arizona, the calls and e-mails I got after his appearance about him were all positive.

Mr. MCCAIN. I thank my colleague.

NOMINATION OF TIMOTHY B. DYK

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally going to vote this week on the confirmation of Timothy Dyk.

A vote on this nominee has been a long time coming. He was first nominated to a vacancy on the Federal Circuit Court of Appeals in April of 1998—over 2 years ago—by some reckonings, in the last century. He had a hearing. He was reported favorably by the Judiciary Committee of the Senate and confirmed by the Senate in September of 1998. His nomination was left on the Senate calendar that year without any action and eventually was returned to the President, 2 years ago as the 106th Congress adjourned.

Then Mr. Dyk was renominated in January of 1999. He was favorably reported to the Senate floor, again, in October of 1999. For the last 7 months, this nomination has been sitting on the Executive Calendar for Senate action.

Let me just tell you a little bit about Timothy Dyk. He has distinguished himself with a long and active private practice in the District of Columbia. From 1964 to 1999, he worked with Wilmer, Cutler, and Pickering as an associate and then as a partner. Since 1990 he has been with Jones, Day, Reavis, and Pogue as a partner. He has been the chair of its issues and appeals section.

He received his undergraduate degree in 1958 from Harvard College; his law degree from Harvard Law School in 1961. P. Brophy, Wharton, Rockefeller. He worked for three U.S. Supreme Court Justices: Justices Reed and Burton, and Chief Justice Warren. He was also a special assistant to the Assistant Attorney General in the Tax Division.

He is a distinguished member. He represented a wide array of clients, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Association of Broadcasters, the National Association of Equal Employment Opportunity Commissioners, and he has the support of a wide variety of these organizations. We have received strong letters of support for him. Here are some of those who sent in letters saying let's get this man confirmed:

The U.S. Chamber of Commerce, the American Trucking Association, the National Association of Manufacturers, the National Association of Broadcasters, IBM, Gannett, Eastman Kodak, Rockwell, LTV Corporation, SkyTel Telecommunications, the Lubrizol Corporation, Ingersoll-Rand, the American Jewish Congress, the Anti-Defamation League, the American Center for Law and Justice, and Trinity Broadcasting Network.

I said many times on the floor that we take far too long to confirm good people. We are wrong and irresponsible to hold people up basically on a whim until we feel like bringing up their names. Nominees deserve to be treated with dignity and dispatch, not delayed for 2 or 3 years. Of course, any Senator can vote as he or she wants, but let's understand the human aspect.

When someone has gone for their hearings, when they have been voted out of committee, when they are pending in the Senate, their life is on hold until we act. It is unfair, it is unreasonable to tell someone to go no further. The good news is the President has nominated you to the Court of Appeals. You will be congratulated by your partners, by your clients, and then they will say: When are you going to vote on this nomination? If you have to remove the last vestiges of campaign finance reform law, let's get this man confirmed.
This is a man who should have broad, strong bipartisanship, and by the way, the letters of support show broad, strong bipartisanship.

I am glad that Tim Dyk will be voted on for the Federal Circuit. We have worked hard to get a vote to which he is entitled. I worked to have him confirmed in 1998. I worked to have him confirmed in 1999. I am glad that finally, he will be accorded a vote on this long pending nomination.

The entire family have much of which to be proud. His legal career has been exemplary. He will make a superb judge.

Mr. SCHUMER. Mr. President, I yield to my senior colleague and friend from the State of New York, Senator MOYNIHAN. Is that the proper procedure, Mr. President? Should I yield to Senator MOYNIHAN, or should I yield my time?

The PRESIDING OFFICER. Senator MOYNIHAN is recognized in his own right.

Mr. MOYNIHAN. How generous of you, Mr. President.

It is with great pride and pleasure that I speak in support of this nomination, of Mr. Gerard Lynch to become a district court judge for the Southern District of New York.

Professor Lynch has the rare combination of qualifications and attributes that we look for in a Federal judge. He meets the criteria I have set for judges who are extreme in either case; and, No. 3, diversity. While Gerard Lynch has the rare combination of intelligence and experience, he is also a graduate of the Southern District of New York, of Columbia Law School, which precedes the Constitution. I will speak in just a moment about the Constitution and the Judiciary with such very considerate thoughts.

Mr. MOYNIHAN. I rise with a measure of animus, if I may do, sir, this afternoon. I was one of those who, with my colleague, introduced Mr. Lynch to the Committee on the Judiciary with such very considerate thoughts.

My colleague remarked about the founders of the Constitution. I will speak in just a moment about the Constitution, which Constitution was written in very large measure by a graduate of that law school, Alexander Hamilton, and whose first large treatise of explanation was written by Professor Lynch. His background and career accomplishments are, frankly, staggering. He was born and raised in Brooklyn, a place near and dear to my heart. He then attended Columbia College, where he graduated first in his class, followed by Columbia Law School, where he also was No. 1 in his class.

After law school, he accepted two judicial clerkships—first, with one of New York’s great jurists, Judge Wilfred Feinberg of the Second Circuit, and then with Justice William Brennan on the Supreme Court. He was at the top of the legal profession as he went through his education and his clerkships. You could not have a better record.

Since that time, he has had a multifaceted career, mostly as a prosecutor and professor, and that is as impressive as any judicial candidate I have seen in years.

Since 1977, he has served as the Paul K. Kellner Professor of Law at Columbia Law School, where he teaches criminal law and criminal procedure, as well as constitutional law and other courses.

He is a leading expert on the Federal racketeering laws and has written numerous articles on the subject. He has also published articles on other aspects of criminal law, constitutional theory, and legal ethics.

Maybe most importantly, he is considered one of Columbia Law School’s outstanding professors, winning a number of awards for excellence in teaching and serving as a guide and mentor to countless students over the years.

Professor Lynch, however, has not only been a professor; he also spent many years as a Federal prosecutor in the Southern District of New York, one of the premier U.S. Attorney’s Offices in the country. He tried numerous cases, including white collar and political corruption cases, and eventually rose to be the chief of the appellate division.

In 1990, after a stint as a professor, he was asked to return to that office as chief of the Criminal Division under U.S. Attorney Otto Obermaier. In that capacity, he supervised more than 135 prosecutors and oversaw all of the office’s criminal cases. Mr. Obermaier, a Republican appointee, handpicked Professor Lynch to serve as his lead criminal prosecutor. He has been outspoken in support of this nomination, and Mr. Obermaier was known as a hardnosed, rather conservative prosecutor in the Southern District.

Professor Lynch has also served as counsel to numerous city, State, and Federal commissions, and has worked with a number of special prosecutors investigating public corruption. Moreover, from 1988 to 1990, he served as a part-time associate counsel for the Office of Independent Counsel.

More recently, Professor Lynch has been counsel to a top New York law firm, primarily handling white collar criminal matters and regulatory matters, while still maintaining a full course load teaching at Columbia.

So, intellectually, he is at the top of the list. Experience-wise, he has done it all. He is also a wonderful, wonderful person. He loves Latin and Greek and he knows them well. He loves theater, art, and ballet.

Just to let my colleagues know what a fine man he is and what an honorable man he is, when Gerry went to Columbia College, the Vice President was wagging. He came from a working-class background and he knew that many of his classmates in high school would be drafted. He, by being a college student, was not eligible for the draft, but he thought it was unfair that those lucky enough to get into college should have special advantages over working-class young men being called for the front line. So he refused to pursue an exemption. He was not called. But that shows you the heart of the man.

I will close by admitting that I am very excited about the prospect of Professor Lynch becoming the next member of the Southern District bench. I am very excited about the prospect of Professor Lynch becoming the next member of the Southern District bench. I am very excited about the prospect of Professor Lynch becoming the next member of the Southern District bench. I am very excited about the prospect of Professor Lynch becoming the next member of the Southern District bench.

Mr. President, I yield my time.
I come before the Senate to say there has not been a finer judge proposed by the Senate Committee on the Judiciary. We are honored to have him before the Senate. I prayerfully hope none of us ever appear before him.

Mr. Sessions, Mr. President, I ask unanimous consent that I be allowed to use my time on two judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Sessions. Mr. President, I have great respect for Senator MOYNIHAN and Senator SCHUMER. I know they have great affection and admiration for Mr. Lynch. In no way do I question his integrity. I do not question his legal ability. He is certainly a scholar and a person of intellect.

Except for two leaves of absence, he has been a law professor. The old rule must apply: The A students become professors; B students, judges; and C students, the money. Regardless, he has been a professor, worked on a few cases, and spent several years with the U.S. Attorney's Office prosecuting cases. By all accounts, he is a man of good personal character.

The problem—this nomination is that I have come to believe from his writing that he is, indeed, a judge who is an activist. There is only one opportunity for the people of this country to confront the question as to whether or not an individual nominated to be a judge will obtain a lifetime appointment. That is our role under the Constitution, to advise and consent to nominations of the President. The President has nominated Mr. Lynch. I think it is our duty, if we are not to be a potted plant or rubber stamp his record, his skill, his background, his philosophy, and see if we want to authorize him, for the rest of his life, to preside over cases, to interpret the law, to interpret the Constitution, and make decisions in that regard. That is our question: Do we want to do that?

It would be bad to impose upon the people of New York or any other State any person who is not clearly committed to the judicial role. The judicial role is that a judge should require himself to follow the Constitution of the United States and the laws duly passed by the Congress of the United States. The Constitution is a contract. It was agreed to by the American people in elections, is better placed to decide a proposed course of action that meets short-term political objectives and is consistent with moral values which our society considers itself bound.

Our Constitution is deeply rooted in our moral order and heritage, but our Constitution is a contract; our Constitution is an agreement with the people. It has specific ideas and requirements in it that I expect a judge to abide by.

To show the danger in this philosophy, let me share the example of the death penalty. The eighth amendment prohibits cruel and unusual punishment. Justice Brennan, for whom Mr. Lynch clerked, declared that the death penalty was cruel and unusual and therefore it violates the eighth amendment to the Constitution.

I suggest that is bizarre because at the time the Constitution was adopted, a State had a death penalty. There are six or more references within the very document itself, the Constitution, to a death penalty. Yet he feels it violates some sort of contemporary standards of morality. Justice Brennan used his lifetime appointment as a judge to depart on every single death penalty case, saying it violates the Constitution, while the Constitution contemplates and says you can take life with due process in several different places.

That is judicial activism.

Mr. SCHUMER. Will the Senator yield? I am happy to yield to him some of my time.

I ask my colleague if he was aware—Mr. Lynch clerked, declared that the death penalty was cruel and unusual and therefore it violates the eighth amendment to the Constitution.

Our Constitution is deeply rooted in our moral order and heritage, but our Constitution is a contract; our Constitution is an agreement with the people. It has specific ideas and requirements in it that I expect a judge to abide by.

To show the danger in this philosophy, let me share the example of the death penalty. The eighth amendment prohibits cruel and unusual punishment. Justice Brennan, for whom Mr. Lynch clerked, declared that the death penalty was cruel and unusual and therefore it violates the eighth amendment to the Constitution.

I suggest that is bizarre because at the time the Constitution was adopted, a State had a death penalty. There are six or more references within the very document itself, the Constitution, to a death penalty. Yet he feels it violates some sort of contemporary standards of morality. Justice Brennan used his lifetime appointment as a judge to depart on every single death penalty case, saying it violates the Constitution, while the Constitution contemplates and says you can take life with due process in several different places.

That is judicial activism.

Mr. SCHUMER. Will the Senator yield? I am happy to yield to him some of my time.

I ask my colleague if he was aware—Mr. Lynch clerked, declared that the death penalty was cruel and unusual and therefore it violates the eighth amendment to the Constitution. In fact, he was questioned by Senator THURMOND, on our committee.

There are six or more references within the very document itself, the Constitution, to a death penalty. Yet he feels it violates some sort of contemporary standards of morality. Justice Brennan used his lifetime appointment as a judge to depart on every single death penalty case, saying it violates the Constitution, while the Constitution contemplates and says you can take life with due process in several different places.

That is judicial activism.

I ask my colleague if he was aware that Professor Lynch is for the death penalty. In fact, he was questioned by Senator THURMOND, on our committee.

I will read the question for the RECORD: Do you have any personal objection to the death penalty that would cause you to be reluctant to oppose or uphold the death sentence?

And Professor Lynch answered:
No, Mr. Chairman.

So I submit to my friend that, while Justice Brennan may have had a more broad—I tend to agree with my colleague. I am for the death penalty myself, but I tend to agree with my colleague on that issue. That is not Professor Lynch's belief, philosophy, or personal opinions—justifying judges who when one becomes a Clerk for the Supreme Court, high honor that it is, you are chosen simply on your scholastic ability, not on your ideology. I thank the Senator for yielding and letting me add that.

Mr. SESSIONS. Mr. President, I think Senator SCHUMER raises a good point. I never said he opposed the death penalty. What I was trying to point out is that judges, if they desire to impose their fundamental moral values on people when they don't get elected, can end up doing things like Justice Brennan did, for which, certainly, Mr. Lynch admires him.

I have another quote I think is even more clear indication of Mr. Lynch's willingness to utilize personal opinions—justifying judges who want to use personal opinions instead of interpreting the law. He was talking about Justice Brennan. This was in 1997, just a few years ago:

Justice Brennan has the ability to ignore the meaning of the words they used to chop off a lot of the good parts of it. He can impose a ruling on the people that is so, then I believe we cannot be governed by the Constitution itself that was ratified by the American people to protect the Constitution. I think it is a big point. I know the Presiding Officer.

I wish I would be able to support Mr. Lynch. I supported the overwhelming majority of the nominees, some of them maybe even more liberal than Mr. Lynch, but I haven't had anything to indicate that or I would have probably opposed them. Some I have.

In conclusion, the documents and the law review articles are extraordinarily troubling to me. I do not think it is a minor point. I think it is a big point. I know the Senator from New York, both Senators from New York, think highly of Mr. Lynch and I respect what you have said on what I have observed. I believe his written remarks indicate he is unwilling to be bound by the law. Therefore we should not impose him on the people of New York and the United States. I see the Senator from New York might want to comment on that before I go to the next nominee? I have one more nominee I would like to comment on.

Mr. SCHUMER. Yes, Mr. President.

The PRESIDENT. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend from Alabama for his heartfelt remarks. I understand the passion from which he comes and, no, I do not agree, unreservedly, as those on my judicial panel will tell him, one of the things I always cross-examine them about is, Is this person going to go off and make their own law? Because do I not like that either, I said, makes mind appointing judges in my first year, and I think I have lived up to them with every nominee, are: Excellence, moderation, and diversity.

Let me just say I think Judge Lynch is clearly a moderate and he clearly is not the kind of activist that my good friend from Alabama is saying. In fact, he has criticized Justice Brennan for being “activist” in some of his interviews. Judge Posner noted the same about Judge Lynch is someone who probably agrees with the Senator from Alabama more than he agrees with the Senator from New York.

But the two quotes there that my friend from Alabama cited are snippets of articles. Two paragraphs later Professor Lynch expounds on his understanding of the Constitution itself that was ratified by the American people to protect their liberties. Remember, when we have a judge who believes in activism, it is at its most fundamental an antidemocratic act. It is an act that goes against democracy because we have a lifetime-appointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as pointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is as
the Senator from Alabama had mentioned appears. This is what Professor Lynch says a few paragraphs later:

It is the text itself that embodies and defines what has been agreed on. What survived the ratification process should become fundamental law, after all, was not what Madison or Bingham believed in his heart, or even what they said on the floor of the Convention. The Constitution is ratified, but rather what is contained in the text of the ratified provision. Thus, the text is not merely evidence from which the mind of the (perhaps partly mythological) lawgiver should be deduced; rather, the text is the definitive expression of what was legislated.

I will repeat that again for my colleague from Alabama:

... the text is the definitive expression of what was legislated.

That is hardly the writing of somebody who wants to go far, far afielid. As I mentioned, the example my good friend from Alabama keeps hearkening back to is the death penalty and the way it has been interpreted in practice. If Professor Lynch agreed with that, I would say the Senator from Alabama had a point, but he explicitly disagrees and has criticized Justice Brennan as being too activist.

The second quote Senator Sessions focuses on, the quote before us on the chart, comes from a tribute to the memory of Justice Brennan that Professor Lynch, who clerked for Justice Brennan after graduating from law school, wrote in 1997. Again, in the context of the whole essay, Professor Lynch’s point is noncontroversial. He is writing here about what a judge is to do when the broad language in the Constitution does not speak to a modern-day issue. We are not talking about expanding but interpreting the spirit of the Constitution.

I say to my colleague from Alabama, when the fourth amendment speaks of unreasonable searches and seizures and says that the law will not allow wiretaps of telephones or the Internet, it does not mean the judges are unable to interpret what search and seizure means in the context of telephones or wiretaps. That is all Professor Lynch is saying.

He suggests judges must look at the text and the values underlying the text and interpret both in light of developments of the present. Do not expand what unreasonable searches and seizures are, rather interpret them in light of new changes in technologies, such as telephones. Otherwise, the Constitution—and I am sure my colleague from Alabama can admit this—would be largely irrelevant to today’s legal problems.

Moreover, Professor Lynch was asked at his nomination hearing about this article by Senator Thurmond. Here is what he said. His response was unequivocal:

I believe, Mr. Chairman, that the starting place in any discussion of the Constitution is with the language of the document. As with the legislation passed by the Congress, it is the wording of the Constitution that was ratified and not the earlier version, and that constitutes the binding contract under which our government is created.

In attempting to understand that language, it is most important to look to the original intent of those who wrote it and the context in which it was written.

It seems to me, and I did not realize it until I read this paragraph again, those are the exact words my good friend from Alabama mentioned as his views of what the Constitution is all about: Not some document that expands at the whim, wishes, or ideology of the judge but rather a written contract, words, black and white with the American people. Judge Lynch—I do not want to presume anything here, particularly in this Chamber—Professor Lynch makes, in fact, the same point that my good friend from Alabama did.

The PRESIDING OFFICER. The time of the proponents of the nomination has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that 1 additional minute of Senator LEAHY’s time on another judge where there is not going to be any contest or discussion be given to me. I am not expanding the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank Senator LEAHY in absentia for allowing me to do that. I hope he is not upset.

It is certainly the prerogative of my good friend from Alabama to interpret snatches of text from book reviews and testimonies that refer to the time of the people. I believe Professor Lynch has a judicial philosophy with which he disagrees, but this is the definitive and current statement on the issue by the nominee, and I think it prevails.

In conclusion, if Professor Lynch is confirmed, I believe Senator Sessions and I—and I have enjoyed working with him on so many issues—will look back 5 or 10 years and both approve of the work Judge Lynch has done, admire his faithfulness to the words of a document that we both hold dear, and I believe he does as well—the Constitution, a document we are all sworn to uphold. I do not believe we need another judge on this court.

The Federal circuit is a court of limited jurisdiction. It handles patent cases and Merit Systems Protection Board cases, certain international cases, and certain interlocutory orders from district courts. It is a specialized court and does not get involved in too many generalized cases.

We have analyzed the caseload of this circuit. I serve on the Administrative Oversight and Courts Subcommittee of the Senate Judiciary Committee with Senator Chuck Grassley, who is chairman. I have been a practicing prosecutor for 15 years in Federal court before Federal judges; that is where I spent my career. I believe judges are overwhelmed with work, and I have observed others who may not be as overwhelmed with work.

I will go over some numbers that indicate to me without doubt that this circuit is the least worked circuit in America. It does not need another judge, and I will share this concept with fellow Members of the Senate.

They handle appeals in the Federal Circuit, appeals from other court cases and trials. In 1996, there were 1,847 appeals filed in the Federal Circuit. Four years later, in 1999, that number had fallen to 1,543 appeals, a 16-percent decline in cases filed.

Another way to look at the circuit is how many cases are terminated per judge. The Administrative Office of Courts provides a large statistical report. They analyze, by weighted case factors, judges and cases by circuits and districts and so forth. It is a bound volume. They report every year. The numbers are not to be argued with.

The Federal Circuit has by far the lowest number of dispositions per
judge. The Federal Circuit has 141 cases per judge terminated. There are 11 judges now on that circuit. As a matter of fact, those 141 cases were when the court had 10 judges. We now have 11 judges on that court, and we are talking about adding Mr. Dyk, who would be the 12th judge that that court would take the numbers down even further.

The next closest circuit is a circuit that is also overstaffed—the D.C. Circuit. I have opposed nominees to the D.C. Circuit in Washington. Oddly enough, all the circuits that I believe are overstaffed and underworked are located in this city. The average case dispositions for a circuit judge in America are more than double that. Let me provide some examples.

The Third Circuit average number of terminations per judge is 312; the Fourth Circuit, 545; the Fifth Circuit, 668—that is four times what the Federal Circuit does—the Seventh Circuit, 352; Eighth Circuit, 440; Ninth Circuit, 455; Tenth Circuit, 350; the Eleventh Circuit—my circuit, Florida, Alabama, and Georgia—820 cases, compared to 141. That is six times as many cases per judge in the Eleventh Circuit as in the Federal Circuit.

The taxpayers of this country need to give thought to whether or not we need to add a judge to this circuit. It is pretty obvious we ought to consider that. Terminations per judge on the Federal Circuit represent only 17 percent of the cases terminated by a judge on the Eleventh Circuit.

Terminations per judge on the Federal Circuit represent only 17 percent of the cases terminated by a judge on the Eleventh Circuit.


The Federal Circuit also had five senior judges at that time. Senior judges contribute a lot to the workload. That is a problem as the circuits that I believe are overstaffed and underworked.

Many of them do almost as many cases as an active judge. So they have five senior status judges. Maybe it is down to four now, but at that time there were five senior judges.

The Graessley report stated:

In fact, the current status of the circuit actually supports the argument that the court could do its job with a smaller complement of 11 judges. As such, the case has not yet been made that the current vacancy should be filled.

That remains true today. The Federal Circuit has 11 active judges now and 4 senior judges.

On the issue of the cost of a judgeship, people ask, how much does it cost to add another judge? Just add a judge and you have $1 million, $10 million, $150,000 a year? That is not too bad. However, the actual cost of a Federal judge is $1 million annually. They have two, three law clerks, secretaries, office space, libraries, computers, travel budgets, and everything that goes with being a Federal appellate judge. It is an expensive process. That number is a legitimate number, 1 million bucks.

We have added 14 judges to this country who are working night and day, but this circuit is not one of them. Before we do not fill some of those vacancies, before we do not add new judges to some of those districts—and it is not that we do not have any, but really, we are understaffed—we ought to think about whether we ought to continue a judge where we don't need one.

The Grassey report also dealt with the problem of having more judges than you need, sort of a collegiality question. The report said:

Judge Tjoflat [chief judge at the Eleventh Circuit at one time] testified that some scholars maintain that a “perfect” appellate court size is about 7 to 9 judges, and when a court reaches 10 or 11 judges, “you have an exponential increase in the tension on the court of the ability of the law not to be certain.” Judges felt that there is a marked decrease in collegiality when the appeals court is staffed with more than 11 or 12 judges. Chief Judge Posner of the Seventh Circuit thought that with 11 judges, the Seventh Circuit was “at the limit of what a court ought to be” in terms of size.

The Seventh Circuit had more than twice as many cases per judge as the Federal Circuit.

The Grassey report further stated there is a consistency cost with expanding courts:

Not only is there a loss in collegiality the larger a court is, there is also an increase in work required by the judges to maintain consistency in the law. Judge Wilkinson felt that more judges would not lighten the burdens of a court, but would actually aggravate these burdens further.

The Federal Circuit, to which this judge would like to be appointed—and it would be a good position to draw that big Federal judicial salary and have the lowest caseload in America—has 141 cases per judge. The problem of how to fill one vacancy on the Federal Circuit is a problem of how to fill one vacancy on the Federal Circuit.

We don’t have money to throw away. I suggest that we not approve this nomination, nor should it be. We should not be in the business of adding judges to a court that doesn’t need another judge to this circuit.

The Federal Circuit is the court that does not need another judge. We don’t need new judges to some of those districts—and it is not that we don’t have any, but really, we are understaffed—we ought to think about whether or not we need to add another judge to that court.
have a right to speak out, and I specifically, along with Senator Sessions, asked for a recorded vote in the case of Mr. Dyk and Mr. Lynch because I believe the Senate should go on record. Sometimes if the nominees are not controversial but simply share a different philosophical viewpoint from the majority, they are not activist, and based on their background I believe they will look at the Constitution as fairly as possible, in an objective manner, I don't object to those nominees.

I don't respect President Clinton to appoint a judge I might appoint. I respect that, and I understand that. That is not the reason for the advise and consent clause, to simply disapprove every single nominee because you disagree with the President's politics.

The framers of our Constitution settled on a judicial selection process that would involve both the Senate and the President. Remember, these are lifetime appointments. There is no going back on these appointments. There is no going back on the nomination of judges. There is not the reason for the advise and consent process. I don't object in an objective manner, I don't object to nominees based on a President's political philosophy. I am opposed to nominees who have shown evidence of legislating from the bench, those are the kinds of nominees to whom I am opposed. I am not opposed to nominees based on a President's political philosophy. I am opposed to nominees who have shown evidence of legislating from the bench. That is a very important point to make.

I might also say, before discussing specific nominees just for a moment, there is some irony in this debate today because this is the first time nominations have come before the Senate for a vote since the President of the United States has been recommended for disbarment as an attorney by the State of Arkansas. Now, I don't know if that has happened in American history before. I don't believe so. So I think I am correct in saying this is the first time in American history. President Clinton has been recommended for disbarment from the State he came from, and then that same President is submitting nominees to the courts in our land.

I do not mean to imply anything by this in terms of the qualifications of the nominees, about their conduct in office or anything such as that. That is not the intention. The intention here is to point out that it is somewhat ironic that a man who showed total disregard for the law, according to the law in the State he would not be permitted to practice law as a lawyer by the State of Arkansas, would now be permitting judges up to the Senate for approval. So I bring this to the attention of my colleagues because it is the first time in American history this has ever happened. We are standing here in judgment of people who are appointed by a President who has been recommended for disbarment.

The Arkansas bar, as you know, a day or so ago recommended this. A Supreme Court of the State of Arkansas recommended this past Monday that the President be disbarred because of 'serious misconduct.' The Paula Jones sexual harassment case. A majority of the panelists who met Friday to consider complaints against the President found that 'the President should be disciplined for false testimony about his relationship with Monica Lewinsky, the Arkansas Supreme Court said. He was, indeed, fined by another judge from Arkansas for lying under oath.'

So it is ironic we are debating the qualifications of many fine jurists, frankly, before us today, and in the newspapers we read about how our President is facing disbarment. So it is a unique situation here and one I want everybody to understand.

We break a lot of ground here. We do a lot of things that have never been done before. We had an impeachment trial in the Senate a few months ago. The Senate, in its infinite wisdom, said the President was not guilty, but, the Arkansas bar said otherwise. So it is a very interesting twist of fate that now nominees are being sent to the Senate by a man who is recommended for disbarment, and probably will be disbarred, from the practice of law in the State of Arkansas.

Let me conclude on a couple of points on the nominees. I have spent a lot of time on the nomination of Timothy Dyk, and I am very much opposed to Mr. Dyk being a District Judge for the U.S. Court of Appeals for the Federal Circuit. Some of the material I looked at I am not going to go into on the Senate floor. But a couple of things in which Mr. Dyk was involved concerned me.

In a Washington Post article appearing in May of 1994, the Post reported that Timothy Dyk "agreed to work for free for the anti-censorship lobby, People for the American Way, to sue the Texas Board of Education over the board's 10-year-old rule that evolution must be taught as "only one of several explanations of the origins of mankind."

People for the American Way is pretty much a liberal activist, anti-Christian group that seeks to rid public education of any mention of God at all in its educational language and literature, or in schools.

The president for the People for the American Way, Ralph G. Neas, spoke in January of 1999 about his vision of the People for the American Way. Listen to what he said because you have to remember that Mr. Dyk worked for them at that time. Mr. Neas said:

As you may know, People for the American Way has always carefully monitored the radical religious right and its political allies.

Mr. Neas believes that most if not all Republicans are members of the "radical right."

He further said:

The effort by some elements of the conservative religious and political movements to promote a philosophy that goes back decades before Phyllis Schlafly and Gary Bauer and Pat Robertson came on the scene, before the days of the Heritage Foundation, back before Newt Gingrich and the Contract with America.

As you can see by his comments, People for the American Way is now and has always been an anti-Christian, anti-conservative organization.

He continues by attacking Orrin Hatch, Governor George Bush, and Senator John McCain for supporting school voucher legislation. Let me repeat that. He attacked Senator John McCain, Senator Orrin Hatch, and Governor George Bush for supporting school voucher legislation.

I guess Timothy Dyk might turn out to be one of the greatest judges in the history of the world, for all I know. I can't predict that. I am not in the business of predicting the future. I am trying to take a look at what I have been forewarned to make the best judgment as to whether or not a person is fit to be on the court.

I understand that the U.S. Chamber of Commerce is a staunch supporter, but I have to vote no because I don't believe that a potential judge who uses that kind of language and who makes those kinds of decisions with those kinds of organizations on a pro bono basis is the kind of person I want on the court.

I must say that there are thousands of judges—and thousands of people who want to be judges—all over America who serve, do it honorably, and interpret the Constitution as fairly and as equitably as possible.

Why is it that time and time again before this body come these outrageous judicial activists appointed by this President? Some have said, well, the other side of the aisle gave you a lot of judges during the Bush administration. A lot of those judges, if not most, were not judicial activists. It is one thing to have a different philosophical view and to be nominated by a President of a different philosophical view. We are not interested in philosophy on the Supreme Court, or on any court. We are interested in supporting the Constitution and interpreting the Constitution the way the founders would have wanted us to do it. They are not your activists. I don't care about your activists. But I think when you hear people representing on a pro bono basis—for no money; you are doing it because you want to do it; you are not getting paid—there is a difference. When somebody retains you as a lawyer, you have every right to do that. That is the American way, and you have every right to do it pro bono. But it tells you about somebody when they represent somebody pro bono. Terrorists were represented pro bono by Mr. Dyk.
I think when you are looking at these things, you have to say to yourself, well, these are the people with whom he wants to surround himself with pro bono services. I guess I have to ask, isn't there anybody out there somewhere that he would have as a nominee who doesn't have to be out there talking about and criticizing Members of the Senate because they support school vouchers and they are representing groups that do that, or even on the issue of evolution? I think it is going too far. I think it is sad, frankly, that we have to deal with it.

The other nominee before us who has been talked about already is Gerald Lynch for the Southern District of New York. The reason I oppose his nomination is for the same reasons.

As my colleague, Senator Sessions, quoted, Attorney Lynch wrote:

Justice Brennan's belief that the Constitution must be given meaning for the present seems pretty high. Underlying his untiring labor to articulate the principles of fairness, liberty, and equality found in the Constitution in the way that he believed made sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in eighteenth or nineteenth-century dictionaries.

That is a pretty legalistic phrase. Let's put it in English. It means what the founders said in the 1700s isn't relevant. It is not relevant. It is relevant today. What is relevant today is relevant today. And, frankly, the Constitution written in the late 1700s doesn't apply to us today. The Constitution is not the same. It is totally wrong.

Why is it that we criticize those who wrote the Constitution when we attribute time and time again to some great people who profess to be scholars on the Constitution? They come down here on the Senate floor saying: You know, the founders didn't mean that; that isn't what they meant; they didn't mean that. Well, if you look at it literally, it does not mean that.

When you go back and find the comments of the founders, over and over again the founders say exactly what they meant. Not only did they write it in the Constitution but they explained it in their own words in the debate. And they still say they didn't mean what they said.

I think if you find a document that was written by somebody and then you find the explanation, and it says what they meant—they said, "This is what I meant"—that is pretty obvious. I think we are seeing evidence here again of a person who will be another judicial activist who is going to say the Constitution isn't relevant today, so therefore, I can put my interpretation into the Constitution. That is the kind of nominee that we are talking about here. This is very troubling.

The other reason today to oppose both the nominations of Timothy Dyk and Gerard Lynch, and I will also oppose a couple of other nominees in the future.

Mr. LEAHY. Mr. President, I am delighted to support the confirmation of Jerry Lynch to the District Court for the Southern District of New York.

Professor Lynch is the Paul J. Kellner Professor of Law at Columbia Law School, the outstanding law school of the nation. He received his law degree from the University of Chicago in 1975. He began his legal career by clerking on the Second Circuit Court of Appeals for Judge Feinberg and then on the United States Supreme Court for Justice Brennan.

He served as an Assistant U.S. Attorney in the Southern District of New York back in the early 1980's and as the Chief Appellate Attorney for that office. In 1990 he returned to the office at the request of President Bush's U.S. Attorney to head the Criminal Division of that office.

Even his opponents must describe him as "a man of personal integrity and a man of considerable legal skill." That he is. He is also a person who served as a prosecutor representing two Republican Administrations.

Professor Lynch is well aware that he has been nominated to the District Court and not to the United States Supreme Court and that he will be bound by precedent to follow precedent and the law and not to substitute his own views. In his answers to the Judiciary Committee, he wrote:

There is no question in my mind that the principal function of the courts is the resolution of disputes and grievances brought to the courts by the parties. A judge who comes to the bench with an agenda, or a set of social problems he or she would like to solve, is in the wrong business. In our system of separation of powers, the courts exist to apply the Constitution and laws to the cases that are presented to them, not to resolve political or social issues. The bulk of the work of the lower courts consists of criminal cases and the resolution of private disputes and controversies.

In fact, in specific response to written questions from Senator Sessions, Professor Lynch wrote that he understands that the role of a district court judge requires him to follow the precedents of higher courts faithfully and to give them full force and effect, even if he personally disagrees with such precedents.

His opponents excerpt a couple lines of text from a 1984 book review and a eulogy to his former boss, Justice Brennan, to argue that their revisions of his words indicate a judicial philosophy that he will not enforce the Constitution but his own policy preferences. They are wrong.

I have read the articles from which opponents excerpted out of context a phrase here and a phrase there to try to construct some justification for opposing this nominee. In his 1984 book review, Professor Lynch was criticizing a book that defended the legitimacy of constitutional policymaking by the judiciary. The book was on the side of the debate that criticized personal policymaking by judges and counseled judicial restraint.

Professor Lynch criticized the author for a "theory justifying judges in writing their own systems of moral philosophy into the Constitution." Nonetheless, opponents of this nominee turn the review on its head, as if Professor Lynch were the proponent of the proposition that was criticized.

These opponents take a throw-away line out of context from the book review and miss the point of the review. What his critics miss is the fact that Professor Lynch argues against the Supreme Court being the politically activist institution that the book he is criticizing seeks to justify. Professor Lynch argues against judges, even Supreme Court Justices, becoming moral philosophers. He writes, following the excerpt on which his critics rely:

[N]either of these claims has force when the Court speaks through the medium of moral philosophy. First, there is little reason to expect judges to be more likely than legislators to reach correct moral questions. After all, judges possess no particular training or expertise that gives them insight into whether abortion is a fundamental right or an inexusable wrong. Disinterestedness alone does not determine success in intellectual endeavor...

Ignored by his critic is also the written answer that Professor Lynch furnished Senator Sessions explaining what he meant by the statement that is being misread and misinterpreted, again, by his opponents. Professor Lynch explained that the statement comes from a book review in which I sharply criticize a book that makes the claim that courts have authority to enforce moral principles of its own invention. Ignored by opponents is the statement that says the Supreme Court is given power to enforce the text of a written Constitution.

The other quote being criticized is taken from a short memorial to Justice Brennan, a man for whom Professor Lynch had clerked and whom he respected. The memorial was apparently written just after Justice Brennan's funeral. Professor Lynch wrote of Justice Brennan's humanity and his patriotism. Nonetheless, it appears that even this statement of tribute to a departed friend is grist for the mill of opponents looking for something they can declare objectionable. Ignored by opponents is the direct response to Senator Sessions' question about the eulogy for Justice Brennan. Professor Lynch responded to Senator Sessions:

The statement quoted comes from a eulogy to Justice Brennan on the occasion of his death. I do not believe that good faith attempts to discern the original intent of the framers are dishonest or dishonorable. Judges can and should use historical and honest attempts to understand the thoughts of the framers.

Too often, however, the history that lawyers present to courts is deliberately and inadvertently biased by the position that lawyers as advocates would like to reach, and such resort to partial and limited sources can be used to support readings of a policy preferences. While Justice Brennan took positions that can be criticized as activist, it
is generally agreed that he was forthright in stating his approach.

Likewise ignored is Professor Lynch’s statement to Senator Sessions: “The judge’s role is to apply the law, not to make it.”

Also ignored are the acknowledgments by Professor Lynch in the course of the memorial itself that the “charge that Justice Brennan confused his own values with those of the Constitution does capture one piece of the truth. Perhaps the ‘problem’ and hence the heart of the argument against Brennanism, is that there will always be different interpretations of what those core shared values mean in particular situations.” I commend Professor Lynch for his candor.

It is sad that Senators have come to oppose nominees and the Senate has refused to move forward on nominees because they clerked, as young lawyers just out of law school for a certain judge or because they represent the course of the Senate. Professor Lynch, from over 20 years of distinguished legal career and is fully qualified to serve as a District Judge. But Mr. Woocher clerked for Justice Brennan after his academic studies at Yale and Stanford.

Apprently, Senators who are holding up consideration of Mr. Woocher likewise believe that those who do not follow their activism of Justice Scalia or Chief Justice Rehnquist should oppose the appointment of people who clerked for such jurists. Certainly that is the point that they are establishing by their opposition to these outstanding nominees.

Any Senator is entitled to his or her opinions and to vote as he or she sees fit on this or any nominee. But the exerts relied upon by opponents of Professor Lynch, from over 20 years of writing and legal work, do not support the charge that Professor Lynch is insensitive to the proper role of a judge or that he would ignore the rule of law or precedent. To charge that Judge Lynch would consider himself not to be bound by the plain words of the Constitution is to misperceive Jerry Lynch and ignore his legal career.

With respect to the unfounded charge that Professor Lynch would interpret the Constitution by ignoring its words, that is simply not true. Here is what Professor Lynch told Senator Thurmond at his confirmation hearing:

I believe, Mr. Chairman, that the starting place in interpreting the Constitution is with the language of the document. As with legislation passed by the Congress, it is the wording of the Constitution that was ratified by the people and that constitutes the binding contract under which our Government is created.

In attempting to understand the language, it is useful to be guided by the original intent of those who wrote it and the context in which it was written. At the same time, with respect to many of those principles, the Framework itself leaves room for interpretation.

In truth, the opposition to this nomination seems to boil down to the fact that Professor Lynch wrote that Justice Brennan, ‘‘one of the most distinguished and respected member of the United States Supreme Court, more than 20 years ago.

In light of the arguments made by the Senator of Alabama on the workload of the Federal Circuit, I wanted to add to the record the letter from the Chamber of Commerce to the Senate Committee on Administrative Oversight and the Courts. Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN GRASSLEY: This letter again urges that the Judiciary Committee promptly consider the nomination of Tim Dyk. Although we have previously written about that nomination being reported out of Committee before August recess. It has been almost six months since Mr. Dyk was first nominated to the Circuit. It has been quite nearly a year since he was first voted out of Committee. So far as the Chamber is aware, he is the only judicial nominee voted out of Committee last year who has been scheduled for a second hearing. We urge that a second hearing is unnecessary.

We understand that the principal concern about Mr. Dyk’s nomination now relates to the need to fill the vacany. There are now not one, but two vacancies on the Federal Circuit. That Mr. Dyk’s nomination be acted upon promptly so that the Federal Circuit will not be seriously understaffed.

The question about the need to fill the vacancy was considered in the March 1999 Report on the Appropriate Allocation of Judgeships in the United States Courts of Appeals. The Report states that “the best measure of when a court requires additional judges is how long it takes, after an appeal is filed with a court, to reach a final decision on the merits.” (p.9) The Report also states that: “Over the last five years, the Federal Circuit’s ‘mean disposition is the lowest of any circuit court.”

But the Report’s comparison between the Federal Circuit and the other Circuits is a comparison of apples and oranges. The Federal Circuit data appear to have been computed using a “mean” or average number, while the data for the other Circuits was computed using a median number. The most recent five-year period (1994-1998), using median data, the disposition time for the Federal Circuit exceeded that for the First, Third, Eighth and District of Columbia. Moreover, the median disposition time for the Federal Circuit increased 20%; from 7.9 months in 1994 to 9.5 months in 1998. These data directly support acting on the pending nomination.

To be sure the Federal Circuit has a smaller numerical caseload than other Circuits because the Federal Circuit, as Congress prescribed, does not hear criminal or prisoner cases. But it does have a heavy (and increasing) docket of intellectual property cases and other forms of complex litigation.

Congress intended to give the Federal Circuit exclusive jurisdiction over patent cases, and to be the court of last resort in the vast number of those cases. If that Report Review is unlikely because there can be no conflict with another Circuit). Under these circumstances, it is critical to the Congress to design and to the community that the court not give short shrift to these important cases. There is a substantial risk that if the Federal Circuit is understaffed, it will not have time to give these cases the attention that they deserve. The Chamber, as well as business organizations such as Eastman Kodak, Ingersoll Rand and Dow Chemical, expressed this concern to the Committee.

Finally, we understand Senator Grassley’s concern that the Federal Circuit does not have a formal mediation program. We note that Mr. Dyk, in his first hearing, supported the creation of such a program, and that he has extensive experience in mediating intellectual property cases. He could make it important to the Court in that area, as we urge the Senate to allow to secure the benefit of Mr. Dyk’s services as soon as possible.

Sincerely,

LONNIE P. TAYLOR

Chairman, Subcommittee on Administrative Oversight and the Courts.

NON-REGULAR CONFIRMATION HEARING — May 23, 2000

Mr. KOHL. Mr. President, I rise to support the long overdue confirmation of Tim Dyk to the Federal Circuit. The Judiciary Committee reported out Mr. Dyk’s nomination by an overwhelming bipartisan margin. Unfortunately, Mr. Dyk’s nomination died a slow death last Congress, as he waited in vain for confirmation by unanimous consent or, in the alternative, at least a floor vote.

This Congress, Mr. Dyk has had to wait yet another year and a half for Senate consideration after his renomination and second overwhelming Judiciary Committee approval. This delay has been unfair to Mr. Dyk and his family, who have had to put their lives on hold and the Senate continues to be also unfair to the Federal Circuit, which will be enormously enhanced by his ascension. We are lucky Mr. Dyk was willing to wait; other outstanding candidates, however, may be dissuaded from seeking the sacrifices necessary to serve in the federal judiciary. Finally, it now appears that Mr. Dyk is reaching the end of his long road to
confirmation and will soon take his deserved seat on the bench. He is an excellent candidate—a graduate of Harvard College and Harvard Law School, a law clerk to Chief Justice Earl Warren on the Supreme Court, and a litigator with a long, distinguished practice and a history of public service. He also served on the Federal Election Commission. Of all of them, Mr. McDonald, disagrees even more sharply with the Supreme Court than Professor Smith. Indeed, it is clear that Professor Smith is only in pretty good company: Chief Justice Warren Burger and Justice Hugo Black also held that view. Justices Scalia and Thomas hold that view, Professor George Priest of Harvard Law School, Dean Kathleen Sullivan at Stanford Law School, Dean Nelson Polsby at George Mason Law School, and former Solicitor General and Justice of the Massachusetts Supreme Court and now Harvard law professor, Charles Fried, have all espoused this view on campaign contribution limits.

I assume all of them would be barred from serving on the Federal Election Commission. Of course, they would not be barred from serving on the Federal Election Commission, and neither should Professor Smith.

In holding this view, Mr. Smith is no more in disagreement with the law than the Brennan Center and Common Cause, Professor Neuborne, and others who think the law should allow expenditure limits. These people at the Brennan Center and Common Cause advocate the continuation of the law as declared by the Supreme Court in Buckley and affirmed in Shrink PAC. Under the standard being applied to Mr. Smith, all of them are barred also from serving on the FEC. Clearly, that would be an absurd result.

The Democratic nominee before the Senate, Mr. McDonald, disagrees even more sharply with the Supreme Court than Professor Smith, and makes a public statement to that effect. In open and recorded meetings of the FEC on August 11, 1994, in response to a recitation of election laws interpreted by the Supreme Court, Mr. McDonald declared: The Court just didn’t get it. He does not. He does not believe the courts say. Clearly, we cannot confirm him if disagreement with the law disqualifies an FEC nominee. If there is anyone who has displayed contempt for the law, it is Danny McDonald, not Brad Smith. Mr. Smith has acknowledged that his view that there should be no contribution limits is no more the law than is the view of the Brennan Center and Common Cause and some of my colleagues that there should be expenditure limits. Moreover, he has made clear he would enforce problems enforcing contribution limits.

When asked if he would pledge to uphold his oath, he said he would proudly and without reservation take that oath, and everyone who knows him, including Dan Lowenstein, former national board member of Common Cause, has no doubt that Brad Smith will faithfully enforce the laws written by Congress and interpreted by the courts.

Professor Smith’s detractors fail to note that he has made clear in his testimony before the Rules Committee that if the Shrink Missouri case had been a Federal case and come before the FEC for an enforcement action, he would have had no problem voting for enforcement action in that kind of case.

So the notion that Smith ignored Shrink PAC in his testimony is completely unfounded. I refer my colleagues to page 40 of the Rules Committee Hearing Report dated March 8 of this year. Opponents argue Professor Smith says problems with election law have been “exacerbated or created by the Federal Election Campaign Act” as interpreted by the courts.

So what? Supreme Court Justices have expressed concern that the Federal Election Campaign Act as interpreted by the courts has had unintended consequences which have exacerbated or created problems with our campaign finance system. The Supreme Court Justices have said that. In Shrink PAC, Justice Kennedy opined: It is the Court’s duty to face up to adverse, unintended consequences flowing from our prior decisions.

He goes on to assert, FECA and cases interpreting it have “forced a substantial amount of political speech underground.” Noting the problems created by the Federal Election Campaign Act, Justice Kennedy explained that under the existing law “issue advocacy, like soft money, is unrestricted—see Buckley at 42 to 44—while straightforward speech in the form of financial contributions paid to a candidate, speech subject to full disclosure and prompt evaluation by the public, is not * * * This mocks the First Amendment. Our First Amendment principles surely says that an interest thought to be the compelling reason for enacting a law is cast into grave doubt when a worse evil surfaces than the law’s actual operation.

In my view, that system creates dangers greater than the one it has replaced.

So I guess this passage would disqualify Justice Kennedy of the Supreme Court from serving on the Federal Election Commission. So, are we to punish Professor Smith for telling the truth? Professor Burt Neuborne of the Brennan Center has written that at least three extremely unfortunate consequences flow from Buckley.

Neuborne also writes that: Reformers overstate the level of downside dishonesty existing in our political culture; fundamentally deepening the mire.

Then is Professor Neuborne prohibited from serving on FEC? We all know that many of the problems with the current system are caused by excessively low contribution limits. President Clinton, other Democrats, and many people from my own party have publicly acknowledged this reality and the need for raising hard money limits. So I guess all of those folks would also be disqualified from serving on the FEC.

Professor Smith is opposed also because he has written that the Federal election law is profoundly undemocratic and profoundly at odds with the First Amendment. It has been said that Professor Smith is unfit for the FEC because he believes that the Federal election law is profoundly at odds with the First Amendment.

It is the Court’s duty to face up to adverse, unintended consequences flowing from our prior decisions. So, now we are keeping Professor Smith off the FEC. It is argued, for quoting from the majority opinion in the Buckley case? From quoting from the majority opinion in the Buckley case? Before reformers began attacking Justice Brennan for authoring this quotation that Mr. Smith has cited, let me note that Justice Brennan’s observation has been borne out by the fact that contributions of FECA, which are still being declared unconstitutional as recently as the first week of May, when the Tenth Circuit Court of Appeals declared unconstitutional the party-coordinated expenditure limits.

It is worth noting this was in a 1996 case. In 1996, the Supreme Court, a case known as Colorado Republican, in which the Supreme Court declared unconstitutional the party
independent expenditure limits in the Federal Election Campaign Act, despite reformer assertions that they were undoubtedly constitutional.

So, it is simply absurd to attack Professor Smith for quoting from a majority opinion in the Supreme Court case—this is the Federal Election Commission—because he quotes majority opinions that are binding laws and facts. The correct statements of how FECA has been treated by the courts.

I might also note that efforts to paint this quotation as an absolute statement of his views on the entire Federal Election Campaign Act also lack any merit. If one reads the article in which Bradley Smith recites this quotation by the Court, he makes clear that he supports many aspects of the Federal Election Campaign Act, including the law’s disclosure provisions. Arguments being asserted against Professor Smith are, at best, half truths constructed by reform groups, but many simply misstate Smith’s position and reformers and their allies at the New York Times and the Washington Post persist in advancing these specious arguments, even after they have been shown to lack any merit whatsoever.

It seems that Professor Smith’s detractors will say anything to get what they want without any regard for either facts or logic.

I also note even the intellectual leader of the reform movement, Burt Neuborne, has written that:

The arguments against regulation are powerful and must be respected.

Professor Smith’s opponents conclude he should not be confirmed because he has said:

People should be allowed to spend whatever they want in the form of independent expenditures. Parties can spend whatever they want in the form of independent expenditures and coordinated expenditures. Wealthy candidates such as Jon Corzine in New Jersey can spend whatever they want from their personal fortunes. Moreover, this statement clearly refers to expenditure limits. Since Buckley, the Supreme Court has consistently held expenditure limits unconstitutional. Although so-called reformers wish this were not the law, it is the law. So, again, we are punishing Professor Smith for stating what the law is, not what the reformers would like it to be.

I would also like to note that Burt Neuborne of the Brennan Center agrees with Brad Smith that contribution and spending limits have undemocratic effects. Neuborne has written:

Contribution and spending limits freeze the political status quo, providing unfair advantages to incumbents.

Even the Brennan Center acknowledges that disagreement over Buckley does not disqualify a person from interpreting Buckley. The Brennan Center has come under fire for its book “Buckley Stops Here,” and its views that the current Federal Election Campaign Act is flawed. Nevertheless, those on the other side of the aisle would vote against the executive director of the Brennan Center or the legal director of the Brennan Center who have criticized the current campaign finance law and the Brennan Center? The Brennan Center has committed blasphemy, equal to that of Professor Smith, by actually criticizing the reformers. For example, Burt Neuborne, the Brennan Center’s legal director, has stated:

Reformers overstate the level of downright dishonesty existing in our political culture, further deepening public cynicism.

Moreover, Neuborne has written that:

...contribution and spending limits freeze the political status quo by providing unfair advantages to incumbents.

Neuborne has gone after the Holy Grail here. He has actually criticized Congress and the Federal Election Campaign Act. Would those who oppose Brad Smith also oppose the Brennan Center?

I would hope not. In fact, the Brennan Center’s own web page acknowledges that this type of reasoning is invalid. Let me quote the Brennan Center regarding Professor Smith’s position and reformers and the current Chief Justice Burger, and the sentencing laws?

Of course not.

We refer to the Supreme Court for a moment on the specific issue of campaign finance law where reasonable people have and do disagree.

In the landmark case of Buckley v. Valeo, the Court had the difficult task of harmonizing the Federal Election Campaign Act with the First Amendment to the Constitution. Ultimately, the Court’s decision in Buckley established what has been the law of the land for the past quarter-century. It held that the law Congress had passed was constitutional, and we agreed.

Several of these renowned Justices felt that the law was ultimately established by the Court’s interpretation in Buckley. For example, Justice Thurgood Marshall dissented in part, Justice Blackmun dissented in part, Justice White, Chief Justice Burger, and the current Chief Justice Rehnquist—all of these Justices disagreed with both the law Congress passed and the law the Court created through its interpretation in Buckley.

Several years after Buckley, Justice Marshall continued to question the law that was established in Buckley. Does that mean that Congress would have denied Justice Thurgood Marshall a seat on the FEC if he had desired such a seat? Would Justice Marshall be unfit to serve a fixed term on a bipartisan commission?

What about Chief Justice Burger who argued Congress did not have the power to limit contributions, require disclosure of small contributions, or publicly finance Presidential campaigns? If the
Chief Justice had wanted a seat on the FEC, would the Senate have rejected Chief Justice Burger as unfit to serve? After all, Chief Justice Burger's opinion is in contrast with that of the New York Times. Would Chief Justice Burger have been unfit to serve a fixed term on a bipartisan commission?

What about my fellow colleagues who question the Court's decision in Buckley? The junior Senator from California, for example, said on the floor of the Senate only a few months ago: I am one of those people who believe the Supreme Court ought to take another look at Buckley v. Valeo because I think it is off the wall.

Would my colleagues on the other side of the aisle oppose the junior Senator from California if she retired from the Senate and wanted to become an FEC Commissioner? After all, she disagrees with the law and with the Court's decision in Buckley. Would she be unfit to serve too?

What about noted scholars such as Joel Gora, the associate dean of the Brooklyn Law School, who has criticized the Federal Election Campaign Act? Or Ira Glasser of the American Civil Liberties Union? Both Gora and Glasser are ardent supporters of the controversial Buckley case. Or Kathleen Sullivan, the dean of the Stanford Law School? Or Lillian BeVier of the University of Virginia Law School? Or Professor Larry Sabato of the University of Virginia, a former member of the 1992 Senate Campaign Finance Reform Panel named by Majority Leader George Mitchell? Would these respected scholars, who question the law and share many of Professor Smith's election law views, be disqualified from Government service at the FEC?

Professor Smith's sin, in the eyes of the reform industry, is twofold: One, he understands the constitutional limitations on the Government's ability to regulate political speech, and, two, he has personally advocated reform that is different from the approach favored by the New York Times.

Let me say loudly and clearly, I believe that neither an appreciation for the first amendment nor disagreement with the New York Times and Common Cause should disqualify an election law expert for service on the Federal Election Commission.

As the numerous letters that have been adding to me at the committee establish, Professor Smith's views are well within the mainstream of constitutional jurisprudence and command, not disqualify, him for Government service at the FEC. Personally, I think Professor Smith's views would be a breath of fresh air at a Commission whose actions have all too frequently been struck down as unconstitutional by the courts.

Let me point out that the world of campaign finance is generally divided into two blocs of reasonable people who disagree with the Supreme Court's interpretation of the First Amendment in Buckley. One camp prefers more regulation; another camp prefers less regulation. Neither camp is perfectly happy with the current state of the law.

One camp is made up of the New York Times, Common Cause, the Brennan Center, and scholars such as Professors Ronald Dworkin, Daniel Lowenstein, and Burt Neuborne. I might add that reformers Neuborne and Lowenstein have both written strong letters in support of Brad Smith's views and writings on campaign finance.

The other camp is occupied by citizen groups ranging from the ACLU to the National Right to Life Committee, and scholars such as Dean Kathleen Sullivan, and Professors Joel Gora, Lillian BeVier, and Larry Sabato. It is probably fair to say Danny McDonald is in one camp and Brad Smith is in the other. I definitely agree with one camp more than I do the other, but I do not think agreement with either camp makes a person a lawless radical or a wild-eyed fanatic. And, I certainly do not think membership in either camp should disqualify a bright, intelligent, ethical election law expert from service on a bipartisan Federal Election Commission.

Finally, and most importantly, the overwhelming letters of support for Brad Smith and his unequivocal testimony before the Rules Committee confirm the doubt that Brad Smith understands that the role of an FEC Commissioner is to enforce the law as written and not to remake the law in his own image.

As I mentioned earlier, critics who refer to Professor Smith—his scholarly critique of these laws is cogent—basing not on what Brad has written or said about campaign finance regulations, but on crude caricatures of his ideas. . . . Although I do not agree with all of Brad's views on campaign finance. I believe that his scholarly critique of these laws is cogent and largely within the mainstream of current constitutional thought. . . . I am confident that he will fairly administer the laws he is charged with enforcing. . . .

Let me add the sentiments of Professor Daniel Lowenstein of UCLA Law School, also a former board member of Common Cause. This is what he had to say:

'Professor Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it.'

Let me say a few words about the Democrats' nominee to the FEC, Commissioner Danny McDonald. First, the obvious: McDonald and I are in different campaign finance reform camps. If I followed the new litmus test that is being used in this confirmation debate, then I would have no choice but to vigorously oppose his nomination.

I have serious questions about McDonald's 18-year track record at the FEC. Commissioner McDonald's views and actions have been soundly rejected by the Federal courts in dozens of cases.

One of these cases, decided earlier this year, Virginia Society for Human Life v. FEC, resulted in a nationwide injunction against an FEC regulation that Commissioner McDonald has endorsed for years.

I ask unanimous consent to print in the RECORD a list of a dozen cases where the Federal courts have rejected the actions of McDonald and the FEC as unconstitutional.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Commissioner McDonald's views have been soundly rejected by the federal courts in dozens of cases. The following twelve cases are examples of the court's rejection of McDonald's views as unconstitutional:

Two of these cases, FEC v. Christian Action Network and FEC v. Political Contributions Data, Inc. resulted in the U.S. Treasury paying fines because the action taken by McDonald and the FEC was "not substantially justified in law or in fact."

Just last Friday, the Tenth Circuit struck down yet another FEC enforcement action as unconstitutional.

I ask unanimous consent to print in the RECORD a list of a dozen cases where the Federal courts have rejected the actions of McDonald and the FEC as unconstitutional.


Mr. MCKINNELL. The list certainly does not contain all the cases where Commissioner McDonald’s views have been rejected by the United States Courts, but it should give Members on both sides of the aisle a sense for which nominee is truly out of step with the law, the courts, and the Constitution.

I also wish to inform you that I have the consent of the record to print a copy of a letter from a first amendment lawyer, Manuel Klauser, who has been honored with the Lawyering of the Year award for the Los Angeles Bar Association. Mr. Klauser details serious concerns about Commissioner McDonald’s voting record at the FEC.

There being no objection, the letter was ordered to be printed in the record, as follows:

LAW OFFICES OF MANUEL S. KLAUSER, Bldg., Washington, DC.

DEAR SENATOR MCKINNELL: I am an attorney in Los Angeles, and my practice emphasizes First Amendment, election law and civil liberties. To write this way, a lawyer must...
I have serious questions about whether an FEC Commissioner exhibits “impartiality and good judgment” when he seeks the highest position in his political party and simultaneously regulates that party and its candidates and regulates the competitor party and its candidates and

All that being said, I am prepared to reject this new litmus test whereby we “Bork” nominations to a bipartisan panel based on their membership in a particular campaign finance fund. I am profoundly troubled by the fact that an FEC Commissioner to the Federal Election Commission. Commissioner McDonald apparently chose to pursue the chairmanship of the Democratic Party and its

The “chairmanship” of the DNC in late 1996 or 1997. I must say I am very troubled by the fact that an FEC Commissioner, who is charged with displaying impartiality and good judgment, would seek the highest position in the Democratic National Committee while regulating the Democratic Party and its candidates and, I might add, while regulating the arch rival of his party; that is, the Republican Party, and its candidates

As the distinguished Minority Leader stated in a floor speech on February 28 of this year:

[The] law states that [FEC Commissioners] should be chosen on the basis of their experience, integrity, impartiality and good judgment.”

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(From the Wall Street Journal, Mar. 19, 1997) RULE OF LAW

WHY CAMPAIGN FINANCE REFORM NEVER WORKS

(By Bradley A. Smith)

Think campaign finance reform isn’t an incumbent’s protection racket? Just look at the spending limits included in the Shays-Meehan and McCain-Feingold bills, the hot reform bills on Capitol Hill. Shays-Meehan would limit spending in House races to $600,000. In 1996, every House incumbent who spent less than $500,000 won compared with only 5% of those who spent that little. However, challengers who spent between 0,000 and $1 million won 40% of the time while challengers who spent more than $1 million won five of six races. The McCain-Feingold bill, which sets spending limits in Senate races, would yield similar results. In both 1994 and 1996, every challenger who spent less than its limits lost, but every incumbent who did so won.

This anecdotal evidence supports comprehensive statistical analysis. The key spending variable is not incumbent spending, or the ratio of incumbent to challenger spending, but the absolute level of challenger spending. Incumbents begin races with high issue recognition, and spending doesn’t help them much. Challengers, however, need to build that recognition. Once a challenger has spent enough to achieve similar name and issue recognition, campaign spending limits kick in. Meanwhile the incumbent is just beginning to spend. In other words, just as a challenger seeks to become campaign spending limits choke off political competition.

This is not to suggest that the sponsors of McCain-Feingold and Shays-Meehan sat down and tried to figure out how to limit competition. However, when it comes to political regulation and criticism of government, legislators have strong vested interests that lead them to mistake what is good for them with what is good for the country. Government is inherently untrustworthy when it comes to regulating political speech, and this tendency to use government power to silence political criticism and stifle competition is a major reason why we have the First Amendment.

The Supreme Court has recognized the danger that campaign finance regulation poses to freedom of speech, and for the past 20 years, beginning with Buckley v. Valeo, has struck down many proposed restrictions on political spending and advocacy, including mandatory spending limits. Supporters of campaign finance reform like to ridicule Buckley as equating money with speech. In fact, Buckley recognized that limiting the amount of money one can spend on political advocacy has the effect of limiting speech. This is little more than common sense. For example, if those who would lose much of its meaning if we limited the amount that could be spent on any one trip to $100.

Shays-Meehan and McCain-Feingold are Congress’s most ambitious attempt yet to get around Buckley. The spending limits in each bill are supposedly voluntary, so as to comply with Buckley. However, mandatory provisions are so coercive as to be all but mandatory, which should make them unconstitutional.

For example, Shays-Meehan penalizes candidates who refuse to limit spending by restricting their maximum contributions to

May 23, 2000 CONGRESSIONAL RECORD — SENATE S4285

helped to create a situation in which an individual’s First Amendment rights vary—depending upon where they happen to live in the United States. Of course, even people who reside in different parts of the country, but the controlling court of appeals has rejected the FEC’s efforts to expand its jurisdiction over political speech, are still chilled from conveying their views on issues. After all, if they fund a public communication that is broadcast into a neighboring state that is in a federal court which has not ruled on the FEC’s novel theories, they may find themselves the test case for that Circuit and be exposed to lengthy and costly litigation.

When federal agencies are allowed to create such a system of speech regulation, public confidence in the competence and integrity of the administrative state declines. People come to feel that their rights extend no further than the capricious whims of government bureaucrats.

It is for Congress in its capacity as the body charged with overseeing independent agencies to take the lead in remedying such problems and reining in agencies that are out of control. You can start reining in the FEC by making public officials such as Commissioner McDonald accountable for disregarding the rule of law and the constitutional rights of citizens. By rejecting the nomination of Danny Lee McDonald, Congress can signal that it will not tolerate FEC Commissioners who arrogantly refuse to honor their oath to uphold and defend the Constitution of the United States.

In the words of the Wall Street Journal, concluded his article by saying: The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

I ask unanimous consent that the entire floor speech of February 28, 1997, entitled “Rule of Law: Why Campaign Finance Reform Never Works,” by Bradley A. Smith, be printed in the RECORD.
just $250, while allowing their opponents to collect contributions of up to $2,000. Shaqs-Meehan also attempts to get around Buckley by requiring the restriction of individuals to speak on political issues. The bill sharply limits financial support for the discussion of political issues where such discussion "refers to a clearly identified candidate," the Supreme Court struck down a similar provision as unconstitutionally vague.

Fueled by the momentum to regulate "issue advocacy" is Republican outrage over last year's advertising blitz by organized labor attacking the Contract With America and the GOP Southern. I fear, if the Supreme Court decision "refers to a clearly identified candidate," it is probably the law, and not the activity, such as get-out-the-vote drives. It probably is the law to help parties engage in grassroots political activity, such as get-out-the-vote drives. I fear the Supreme Court decision "refers to a clearly identified candidate," and the purpose of political campaigns is to discuss issues; and the purpose of discussing issues it to influence who holds office and what policies they pursue. Naturally, candidates don't like to be criticized, especially when they believe that the criticism relies on distortion and demagoguery. But the Founders recognized that government cannot be trusted to determine what is "fair or unfair" when it comes to political discussion. The First Amendment isn't "promiscuous," but the right to engage in speech that others may not like.

Recognizing that many proposed reforms run aground, some, such as former Sen. Bill Bradley and current House Minority Leader Richard Gephardt, are calling for a constitutional amendment that would, in effect, amend the First Amendment to allow government to regulate political speech more heavily. This seems odd, indeed, for while left and right have often battled over whether a particular campaign finance bill would, in effect, allow government to regulate political speech, until now no one has ever seriously questioned that it should cover political speech.

If, in fact, constitutional or not, campaign finance reform has turned out to be bad policy. For most of our history, campaigns were essentially unregulated, yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar state laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge.

I am a student of history. One of the reasons why I am is because it has a tendency to repeat itself. There was a period late in the last century, actually in the 1880s, when the robber barons took over American politics. That is a matter of history and disputed by very few historians. Fortunately, a man came to the fore in American politics by the name of Theodore Roosevelt. His words are as true today as they were then.

I quote from his fifth annual message to the Congress, Washington, December 25, 1905:

"All contributions by corporations to any political committee or for any political purpose should be forbidden by law. Directors should not be permitted to use stockholders' money for such purposes. And moreover, a prohibition of corporate contributions should, as far as it went, an effective method of stopping the evils aimed at the Incurrupt Practices Act."

On October 26, 1904, Theodore Roosevelt made the following statement:

"I have just been informed that the Standard Oil people have contributed $100,000 to our campaign fund. This may be entirely untrue. But if true I must ask you to direct the money be returned to them forthwith. It is a violation of the law to accept campaign contributions, no matter how large they are, from individuals and corporations on the terms on which I happen to know that you have accepted them; that is, with the explicit understanding that they were given and received with no thought of any violation of the law of the National Committee or of the national administration than is implied in the statement that every man shall receive a square deal, no matter what your friendship and enmity may be in any event to the best of my ability. . . . But we cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation, and in view of my past relations with the Standard Oil Company, I fear such a construction will be attempted."

On September 21, in a letter to the treasurer of the Republican National Committee, Theodore Roosevelt wrote:

"I have been informed that you, or someone on behalf of the National Committee, have requested contributions both from Mr. Archibald and Mr. Harriman. If this is true, I wish to enter a most earnest protest, and to say that such contributions should not be received, and that such contributions should not be accepted by such a committee should such contributions be solicited, but if tendered, they should be refused; and if they have been accepted they should immediately be returned; and I am the head of the Republican administration, which is an issue in this campaign, and I protest earnestly against men whom we are urging being asked to contribute to elect a President who will appoint an Attorney-General to continue these prosecutions."

Mr. President, in his State of the Union speech, President Roosevelt said on August 31, 1910:

"Now, this means that our Government, National and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics."

Mr. President, as I said, Theodore Roosevelt's words in those days were as true then as they are today. I believe we are again in the same situation and we are in the same situation when we were in before when he was able to get an all-out prohibition of corporate contributions to American political campaigns. That law is still on the books. That law has never been repealed. Why is it that tomorrow night there will be a fundraiser when individuals and corporations are allowed to contribute as much as $500,000 to enjoy the hospitality of the Democratic National Committee at the MCI Center? It is because loopholes have been exploited. People such as our nominee, Mr. Smith, have made the process such that we can no longer expect the influence of special interests not to predominate here in our Nation's Capitol. Young Americans are tired of it. Young Americans are cynical, and they have become alienated.

The nomination of Mr. Smith has not gone unnoticed beyond the beltway. The irony of his appointment to the FEC is that he was the subject of numerous editorials since the scandal first surfaced as a potential nominee. Let me read to you some of these editorials, Mr. President.
Mr. Smith, as Mr. Gore aptly noted, "publicly questions not only the constitutionality of proposed reform, but also the constitutionality of current limitations." Mr. Smith does not belong on the FEC, and anyone in the Senate who cares about fashioning a fair and honest system for financing campaigns should vote against his appointment.

Mr. President, I don't want to put too much credence and importance on Mr. Smith's appointment. But I do not see, after the record is replete with Mr. Smith's views concerning campaign finance reform, how anyone in this body who is a sincere supporter of campaign finance reform could possibly have the remotest idea of voting for Mr. Smith. Finally, I believe in the rule of law, and times for too many years have argued the constitutionality of placing limitations on campaign contributions.

The opponents, time after time, have taken the floor and said: Well, Buckley v. Valeo, or whatever, or whatever. The point which has become one of the most famous footnotes in the history of any Supreme Court decision concerning exactly what the words are both for and against. Over time, for reasons that are not clear to me, the opponents of campaign finance reform raise the concern in many people's minds that the heart of McCain-Feingold is unconstitutional; in other words, the ability to place a limit on campaign contributions. I didn't quite understand that because in 1907 there was a law on the books that banned corporate contributions. That has never been repealed, it's been overturned. There is a law on the books in 1947 banning union contributions to American political campaigns, and then of course there is the 1974 law.

On January 24 of this year, Shrink Missouri cleaver-vocally in a 6-3 decision upheld the $1,000 limitation on a campaign contribution. By limiting the size of the largest contributions, such restrictions are aimed at eliminating the influence money itself may bring to bear upon the electoral service.

The U.S. Supreme Court, in a majority opinion, goes on to say that in doing so, they seek to build public confidence in that process and broaden the base of a candidate's meaningful financial support by encouraging the public participation in open discussion that the first amendment itself presupposes. Mr. Smith directly repudiates and still declared off the Supreme Court spoke unequivocally—a 6-3 decision by the U.S. Supreme Court. Yet my colleagues feel that he is fit to enforce a law that he directly repudiates.

This is a bit Orwellian, Mr. President.

The Court went on to say in unequivocal terms that the imposition of a $1,000 limit is certainly not only constitutional but should be constitutional because many of the Justices expressed their utter dismay at the state of campaign financing today in a rather forthright and candid manner, which is somewhat uncharacteristic of the U.S. Supreme Court. One of the Justices said, "Money is not free speech. Money is property."

On the one hand, a decision to contribute money to a campaign is a matter of first amendment concern, not because money is speech; it is a matter, but because it enables speech through contributions. The contributor associates himself with a candidate's cause and helps the candidate communicate a political message with which the contributor agrees and helps the candidate win by attracting the votes of similarly minded voters. Both political association and political communications are at hand.

On the other hand, restrictions upon the amount that one individual can contribute to a particular candidate seek to protect the integrity of the electoral process, the means through which a free society democratically translates political speech into concrete government action.

Moreover, by limiting the size of the largest contributions, such restrictions aim to democratize the influence money itself may bring to bear upon the electoral process.

We don't mean to paraphrase the Supreme Court of the United States, but what they are saying is money in modest amounts is a way of participating in the political process, and it is a good and healthy thing.

One of the great events in politics in the American Southwest is to have a barbecue and everyone pays $10, $15, or $20 to attend. You not only participate in the political process, but you have made an investment in that candidate. When we look at a point where $500,000 buys a ticket to a fundraiser, we have come a long way. We have come a long way. We have come to a Congress which is gridlocked by the special interests.

If you want to look at our failure to enact a Patients' Bill of Rights, if you want to look at our failure to enact modest gun control such as safety locks and instant background checks, if you want to look at our failure to enact meaningful reform because we continue to buy weapons systems which the military doesn't want or need, and we have 12,000 enlisted families on food stamps, you can look at a broad array of legislation that should have been acted on by any reasonable group of men and women who are elected to represent the people. Instead, it is the special interests.

What is the message we are about to send to the American people when we are about to confirm the appointment of Professor Brad Smith to the Federal Election Commission? We are saying that we are appointing a person for 5 years who not only repudiates the decision of the U.S.
Supreme Court but believes that at no time in our history have we needed to clean up the abuses of the campaign finance system, and clearly has no interest in removing the incredible corruption that possesses the political process today, and is not interested in the fact that the American people have become cynical and even alienated from the political process, to wit: The 1998 election where we had the lowest voter turnout in history of 18- to 26-year-olds.

The message we are sending to America is: Americans, we are not ready yet to respond to the will of the people. We are still in the grips of special interests. Until we make their voices more clear and more strongly felt, the chances of reforming this system and returning the government to you is somewhat diminished.

I know my colleague who is on the floor, Senator Feingold, and I will continue our efforts to bring McCain-Feingold and Shays-Meehan to the attention of this body for votes between now and when we go out of session. I don't know if we will be able to do that, but have no doubt about what we are trying to do and how we are trying to do it.

All we ask for is a vote up or down. We will agree to 15 or 20 minutes equally divided on both sides on this issue because it has been ventilated time after time on the floor of the Senate. For anyone who has some idea we are trying to hold up legislation or block legislation, all we are asking for is a vote. We know a majority of the Senate would vote in favor.

I think we are going to do something very wrong tomorrow. We are probably going to affirm a person to an office in which the American people place some trust in the enforcement of existing law. That person has made it clear that he is not interested in enforcing existing law, and, in fact, he believes that existing law is unconstitutional.

I think this is a very serious mistake. I hope the American people notice that this is something that will not work in their interests but will clearly work to maintain the status quo in our Nation's Capital.

Mr. President, I reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from Wisconsin.

MR. TRUMBOLE. Mr. President, although this, too, is an uphill battle, it is a good feeling to be on the floor again with my good friend, the Senator from Arizona, not only to fight this nomination, but also to signal the fact that we are ready to move forward on the campaign finance issue and a ban on soft money.

I think the debate today has turned out to be not only a good chance to review the inappropriateness of the Bradley-Smith nomination, but to review what has happened this year on the campaign finance front, particularly the decision by the U.S. Supreme Court in the Shrink Missouri case, and of course, more importantly, the tremendous profile the Senator from Arizona has given to the campaign finance issue through his courageous campaign for President.

All of that is important for the future. But I want to take the battle, as the Senator from Arizona has done, to try to prevent the Senate from making a terrible mistake with regard to the Federal Election Commission.

In that regard, let me first elaborate on one item the Senator from Kentucky addressed. Earlier today, the Senator from Kentucky quoted from a number of letters from law professors, allegedly in support of the nomination of Professor Brad Smith. One of those letters was from Burt Neuborne, a professor at NYU Law School and Legal Director at the Brennan Center for Justice, somebody for whom I have tremendous regard and respect. The Senator from Kentucky took great pleasure, however, because the Brennan Center has been very effective and outspoken in its opposition to Professor Smith.

I was a little surprised by the quote the Senator from Kentucky read from Professor Neuborne. The Senator noted that Professor Neuborne didn't seem to endorse Professor Smith for the FEC post in the portion of his letter the Senator from Kentucky read.

In the interim, I asked my staff to look into the letter. Although we have not actually seen a copy, it seems the letter quoted by the Senator from Kentucky on the floor was actually a letter in support of Professor Smith's effort to get tenure at his law school a few years ago. I hope I don't need to point out, Mr. President, that there is a big difference between tenure at a law school and a seat on the FEC. Law professors can be and often are provocative, even outrageous, in their views, but the FEC Commissioners have to enforce and interpret the law as intended by Congress. It is a very different job from being a professor.

So I want the Record to be clear. Professor Neuborne's comments were quoted at least a bit out of context, and those comments had nothing to do with the decision that will soon be before the Senate on Professor Smith's nomination.

Now let me say a bit more about the nomination and its relationship to the issue of soft money. Last week, the Senator from Arizona was addressing moments ago. I spoke earlier about some of the views of Brad Smith on our current election laws. Now I want to talk about his views on the major reform issue that faced this Congress this year, the proposed ban on soft money.

Professor Smith believes a ban such as the one contained in the McCain-Feingold bill would be unconstitutional. That is another reason I believe he should not be confirmed.

We have had a number of debates on the issue of campaign finance reform in the last few years. They have been hard fought and sometimes illuminating. Particularly interesting to me, I have noticed very frequently the arguments of opponents of reform have changed over time. The first few times the McCain-Feingold bill was brought to the floor, much of the argument was based on the concerns and benefits contained in the original bill. We heard the cry of "welfare for politicians," over and over.

Then, when the bill was modified and spending limits for candidates were dropped, opponents of reform focused on provisions that would have restricted the use of unlimited corporate and union money to pay for phony issue ads that were really nothing more than campaign ads in disguise. Opponents complained that these provisions violated the first amendment. Then the accusation on this floor over and over again became that we reformers were the so-called "speech police" and the "enemies of free speech." Not Senator McCain and I decided to exclusively focus our attention on the worst loophole in the law, the problem that has undermined the whole of our Nation's election laws, the unlimited soft money contributions that fund campaigns and let a few, if any, opponents who were actually willing to come to the floor during the latest debate to continue to press some kind of a constitutional attack on this bill.

The reason was very simple. There is no credible argument that a ban on soft money would be struck down by the Supreme Court. That view was supported by a letter to Senator McCain and to me from 126 legal scholars. It was seconded by a letter from every living former president, executive director, legal director, and legislative director of the American Civil Liberties Union. Even one of the strongest and most consistent opponents of reform in this body, the Senator from Kentucky, Mr. President, said on the floor that a ban on soft money is probably constitutional. He even conceded that.

Then we had the Supreme Court weighing in earlier this year in the Shrink Missouri case, reaffirming a portion of the Buckley decision that upheld contribution limits and stating in very strong and clear language that the Congress has the power to limit contributions to protect against actual or apparent corruption, the Court said:

There is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion of benefactors.

In my view, and I think in the view of any serious commentator on this subject, the Supreme Court's ruling in the Shrink Missouri case removes all doubt as to whether the Court would uphold the constitutionality of a ban on soft money, which is the centerpiece of the reform bill that has passed the House and is now awaiting Senate action. It is simply not credible to argue...
that this same Court that just a couple of months ago so strongly upheld the Missouri contribution limits would somehow completely change its jurisprudence and turn around and strike down an act of Congress that would outlaw soft money. It is simply not credible.

But then there is Bradley Smith, the nominee before the Senate. In a paper for the Notre Dame Law School Journal of Legislation, published in 1998, he wrote the following:

"Regrettably, some one thinks about soft money, or what one thinks about the applicable Supreme Court precedents, a blanket ban on soft money would be, under clear, well-established First Amendment doctrine, constitutionally infirm."

Professor Smith makes the argument that since the parties use soft money to run phony issue ads and since phony issue ads are constitutionally protected, somehow a ban on soft money must be constitutionally suspect.

The problem with this argument is that the justification for banning soft money has nothing to do with stopping the parties from running phony issue ads. The purpose of a soft money ban is to stop the use of public contributions in the political process that unlimited contributions from wealthy corporate, labor, and individual donors have caused—in other words, to put it in simple terms, terms that are not my own and are not those of the U.S. Supreme Court, to stop the appearance of corruption.

"Banning soft money is not about attacking speech, it is about attacking corruption. The parties can continue to run all the phony issue ads they want after soft money is banned; they will just have to use hard money to pay for those ads."

Of course, Professor Smith doesn’t agree that unlimited contributions can cause a corruption problem. But the Supreme Court most certainly does. A majority of this Senate has voted repeatedly in favor of a soft money ban. I cannot imagine that same majority will, tomorrow, vote to confirm a nominee who believes such a ban is unconstitutional.

"That is consistent with congressional regulations to implement that law. Numerous questions will undoubtedly arise on the mechanics of that ban. We need an FEC that will vote to enforce the law and to interpret it in a way that is consistent with congressional intent. I simply have no confidence that Mr. Smith will be able to do that—how can he? It would be completely at odds with his own loudly professed principles. His view is that the whole exercise of prohibiting the parties from soliciting contributions from non-candidates and non-candidates and non-candidates and non-candidates and non-candidates is illegitimate."

Shortly after his nomination, Mr. Smith was interviewed by the Capitol Hill newspaper, Roll Call. A story on February 14 of this year, stated as follows:

But Smith said “the reason most” why he’s agreed to take the position is to “present the case that there’s another way to talk about reform being equivalent to more regulation.”

"We are making a decision about putting someone on the FEC who is supposed to enforce the laws we pass. The purpose is not to send an advocate over to the FEC."

"That’s right, this nominee most wants to be on the regulatory body in charge of administering the statutes that Congress passes in order to present the view that do not need more regulation. Not to implement Congress’s will in passing reform, but to show there is another way of talking about reform. I do not want that kind of Commissioner writing the regulations that will put the soft money ban of the McCain-Feingold bill into practice."

"I am not going to stand here and tell you that enactment of the McCain-Feingold bill is assured in this session of Congress. We have a lot of work still to do. In fact, there are some who are now voting to permit a filibuster to block us to change their minds. But if you truly believe that soft money must be banished from our system, as you have voted so many times in the past, you are voting against the nomination of Brad Smith. Otherwise, you may very well be responsible for ineffectve FEC enforcement of the ban which will let soft money back into the system, nullifying all that we have worked so hard to accomplish."

The Senator from Kentucky began his presentation this morning by in essence asking for sympathy for Professor Smith because he has inspired others to stand up to the FEC. Otherwise, why would we not have done what President GORE has announced his opposition to the nomination of Professor Smith. I hope some day that we will have a President who will break with tradition—and that’s all it is—tradition, and nominate independents or people who are not strongly identified with the parties to the FEC. I don’t think the FEC or the country are well served by the kind of “balanced” Commission that we now have, where the Democratic and Republican Commissioners reliably line up on opposite sides of issues that have a partisan flavor, and line up in lock step together on issues that implicate the rights of third parties. I would like to see Commissioners on both sides who have an appreciation of the importance of the campaign finance laws and will vote to ensure fairness in elections.

"But until we have that kind of President, who is willing to stand up to the leadership of the parties, we still have the Senate’s duty of Advice and Consent. None of this is it said in the Constitution that the President’s Advice and Consent is any different for members of the FEC. Otherwise, why would we not just have the President nominate people and not have the Senate vote. It is an abdication of the Senate’s duty, I believe. I am not confident that going to this nominee simply because it is paired with another nominee from the other party."
The Senator from Kentucky also claimed that a nominee for a spot on the FEC has never been defeated on the floor, and that is true. But it is not true that the wishes of each of the parties has always been respected. In the mid-1980s, the Republican Party, under the leadership of the National Right to Work Committee, blocked the re-appointment of a Democratic Commissioner, Thomas Harris, because of his work as a lawyer representing unions. President Bush refused to renominate Harris, and after a lengthy stalemate, another nominee was suggested.

So much of the argument in favor of a favorable vote on this nominee today has been based on this notion that to try to stop an FEC nomination is a complete break with precedent, that we have to simply rubberstamp this pairing of two FEC commissioners. The reality is contrary to the suggestion earlier today, the party of the Senator from Kentucky has not always acquiesced in the choice of the Democratic Party for its seats on the commission.

Let me finally just dispel one misconception that I think some might have about the negotiations and agreements which led to this debate, which is clearly tied to various judicial and other nominations. There is no requirement here that Professor Smith’s nomination be approved by the Senate in order for these other nominations to go forward. That is a misconception that some, particularly on our side, may believe. It is simply not the case with regard to the unanimous consent agreement and the negotiations between the majority leader and minority leader. In fact, it would be an abdication of our responsibility not to vote on the merits of this particular nominee regardless of the other nominations whose consideration was linked to the consideration of this nomination.

With that I reserve the remainder of my time and I yield the floor.

Mr. President, I ask the time be charged equally as I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLARD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business. Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

 SOCIAL SECURITY

Mrs. BOXER. Mr. President, Senator Grams quoted a letter to President Clinton that I signed last year. He took this letter out of context. In supporting the public pension systems of state and local government workers, I called for the continuation of those plans—not for the creation of private, individual accounts.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 22, 2000, the Federal debt stood at $5,673,857,621,024.05 (Five trillion, six hundred seventy-three billion, eight hundred fifty-one million, one hundred twenty-four dollars and five cents). Five years ago, May 22, 1995, the Federal debt stood at $4,883,843,000,000 (Four trillion, eight hundred eighty-three billion, eight hundred forty-three million). Ten years ago, May 22, 1990, the Federal debt stood at $3,092,808,000,000 (Three trillion, ninety-two billion, eight hundred million).

Fifteen years ago, May 22, 1985, the Federal debt stood at $2,565,663,000,000 (Two trillion, five hundred sixty-five billion, six hundred sixty-three million). Twenty-five years ago, May 22, 1975, the Federal debt stood at $522,752,000,000 (Five hundred twenty-two billion, seven hundred fifty-two million) which reflects a debt increase of more than $5 trillion—$5,151,105,621,024.05 (Five trillion, one hundred fifty-one billion, one hundred five million, six hundred twenty-one thousand, twenty-four dollars and five cents) during the past 25 years.

ADDITIONAL STATEMENTS

CELEBRATING THE NALC NATIONAL FOOD DRIVE

Mrs. BOXER. Mr. President, on the last Saturday of May, letter carriers across the United States collect food donations on their postal routes to deliver to community food banks, shelters and pantries. I commend the National Association of Letter Carriers (NALC) for creating and sponsoring the largest one-day food drive in the country with over 100,000 letter carriers participating in more than 10,000 cities and towns.

Not only do America’s postal workers perform an important function in our economy and in our daily lives, they make a difference in improving the lives of needy citizens. I extend my appreciation and thanks to NALC’s leaders and members for their dedication and commitment to their strong tradition of community service.

The food drive started as small pilot program in 10 cities and, as a result of its huge success, was expanded nationwide. The program asks postal patrons to place a box or bag of food next to their mailbox. The food is picked up, sorted at postal stations and then delivered to area food banks by letter carriers.

I am pleased to note that in my home state, the California State Association of Letter Carriers was among those state associations which donated the largest amount of food in the national drive. It is my hope that during the month of May and throughout the year, Americans will consider becoming involved in the NALC Food Drive and in other activities serving the less fortunate in our communities.

ABC’S 50TH ANNIVERSARY

Mr. HUTCHINSON. Mr. President, I rise today to congratulate the Associated Builders and Contractors (ABC) as they approach their 50th Anniversary. ABC was founded by seven contractors in Baltimore, Maryland on June 1, 1950, and is today a national trade association representing over 22,000 contractors, subcontractors, material suppliers and related firms from across the country and from all specialties in the construction industry.

ABC is the construction industry’s voice for merit shop (open shop) construction as ABC is the only national association devoted to the merit shop philosophy. Merit shop companies employ approximately 80 percent, or four out of five, of all American construction workers and seek to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry. ABC believes that union and merit shop contractors and their employees should work together in harmony and that work should be awarded to the lowest responsible bidder regardless of labor affiliation.

I greatly appreciate ABC’s commitment to developing a safe workplace and high-performance work force through quality education and training with comprehensive safety and health programs. I also appreciate ABC’s dedicated efforts to secure free enterprise, fair and open competition, less government, more opportunities for jobs, tax reform, increased productivity, and the elimination of frivolous complaints and over-regulation.

Accordingly, I thank ABC for their efforts and wish them continued success in their efforts to ensure that the American construction industry continues to afford the finest work product and greatest opportunity in the world.

LOCAL LEGACIES PROJECT

Mr. BAUCUS. Mr. President, I rise today to honor a select few individuals from my home state of Montana. I have personally nominated these individuals to represent Montana’s “Congressman’s Legacy of Congress” Local Legacies Project as part of their Bicentennial Celebration. The Local Legacies project has allowed citizens to participate directly in this great celebration. The participants have documented America’s grassroots heritage in every state, the U.S. Trusts and Territories, and the District of Columbia. Their documentation provides
a snapshot of the nation’s unique traditions as we begin a new century. My nominees for Montana’s Local Legacies have worked hard to represent the beauty and deeply rooted heritage of our rugged and wide open state. The survival of our heritage is important for knowing not only where we came from, but where we are going. And for this, I commend them.

Native Reign, is composed of North- ern Cheyenne to promote the need for education, respect for the environment, development of personal skills, respect of tribal elders and a strong spiritual foundation. They have been supported by their adult leader Ken Bisnette and his efforts to make Native Reign the role model it has be- come. They combine traditional Native American dances, skits, with contemporary music to celebrate the history and traditions of the tribe. On April 9, 1999, they received the Governor’s Award at the State Capitol Building in Helena from Montana Governor Marc Racicot for their success in showing Montana youth an alternative lifestyle to teenage drugs and alcohol abuse, gangs, and violence. They are a role model for not only the young peo- ple of Montana, but for the rest of the United States as well. Congratulations Native Reign, you are truly a legacy!

Mike Logan, Montana’s very own Cowboy Poet has contributed a book of poetry illustrated with original photographs he took during his travels throughout our breathtaking state. His book is entitled Montana Is. Mike shares some of the beauty he had been privileged to expe- rience and photograph in his 21 years living in Montana. As part of his intro- duction to the book, Mike states: “I love everything about Montana. I still feel like I’m spending every day in heaven.” Words that ring so true to my own heart. Mike paints a verbal and visual picture true to the very poetic nature of Montana’s scenic beauty and spectacular wildlife. I would encourage everyone to pick up his book and take a journey into Montana’s rich heritage. Thank you Mike, your poetry is one more part of our history we are lucky to have.

The Metis Project: When they Awake—was created and produced by Helena Presents, a production, presenta- tion and film center based in Helena, Montana. It is a celebration of the ex- traordinary legacy of fiddle music of the Metis people. The project explores the musical and social legacy of a tribe without boundaries, whose heritage re- sults from marriage between Indians and Europeans throughout the North- ern Plains from Sault St. Marie, Michi- gan, to Montana, across both sides of the 49th parallel. Central to the project is the creation of a new musical work that references the indige- nous American rhythms and diverse European fiddle heritage that is present in fiddle music. The theme of the presentation is based on a pre- diction of Louis Riel, a teacher, writer, and hero to the Metis people:

My people will sleep for one hundred years, but when they awake, it will be the artists who give them their spirit back.

Composer and performers Philip Aaerg and Darol Anger collaborated with master Metis fiddler, Jimmie LaRocque, to revive once again the melodious spirit of the Metis people. Gentleman, I take my hat off to you!

Five St. Ignatius High School stu- dents from St. Ignatius, Montana, who present and preserve their area’s native traditions and farm- ranchers and ranchers of the Mission Valley of Montana along with poignant photo- graphs which paint a dramatic picture of farm life in the Mission Valley. The report summarizing their findings was written by their teacher Marta Brooks. Students in Brooks’s English and his- tory classes used the “heritage educa- tion” approach to the study of local culture. They collected stories, oral histories, historical documents, art and geological information that reflect the unity of landscape and culture. Monta- na’s traditional farmers and ranchers are becoming a dying breed so because of the change in the local landscape with the inevitable change in the local culture the students were prompted to initiate this project as a way to docu- ment and preserve the area’s native culture and traditions before they cease to exist. Thank you all for your efforts to immortalize our rich agricul- tural heritage. Your hard work brings a lot of pride to Montana!

Montana Horse Story, was brought to us through the use of still photog- raphy, film, and field reporting, by a mother/son team, Allison and Joshua Collins. Allison and Joshua are part of a company called Related Images. Their project documents the legacy of the horse for work, transportation, and recreation as preserved by various Montana events such as rodeo, the Miles City Bucking Horse Sale, Indian rodeo, and Native rodeo. Their work was last seen locally, in an exhibit of rodeo photography, at the Holter Museum, in Helena, Mt. Much like the other Local Legacies projects, Montana Horse Story pinpoints a vital part of Monta- na’s rich traditions, that without it we would not be the people that we have become. Joshua and Allison, you have captured our spirit in some of its best moments. Without your talents and dedication, our story would never be heard. Thank you! I leave you with the final remark: Without the hard work of all these in- dividuals, Montana’s rich cultural her- itage may never be known. You should all be very proud of your efforts. I know Montanans are. And I most cer- tainly am.

NATIONAL SCHOLARSHIP MONTH

Mr. GRAMS. Mr. President, our na- tion’s prosperity and continued success are directly related to the education of our citizens. As the price tag of higher education continues to rise, the impor- tance of financial aid programs has never been greater. To recognize those who help students achieve their goal of a higher education and to promote the accessibility of higher education to ev- eryone, May has been designated as Na- tional Scholarship Month. I would like to draw attention to one organization in particular that de- serves accolades for its efforts to pro- vide financial aid to students. The Min- nesota-based Citizens’ Scholarship Foundation of America (CSFA) is the nation’s largest private sector scholar- ship and educational support organiza- tion. Since its founding in 1958, CSFA has distributed over $561 million to more than 572,000 students. Through more than 800 “Dollars for Scholars” chapters, the Fund has established a grassroots network, with prov- en results.

I applaud the Foundation’s tireless efforts to increase private sponsorship of scholarships to our nation’s youth. I also congratulate and thank the dozens of Minnesota companies, organizations, and foundations that work with CSFA to help ensure that a higher education is an affordable education. Addition- ally, a significant portion of the revenue in CSFA is contributed to the communities, organizations, busi- nesses, and individuals that already sponsor scholarships to double the number of awards, and I invite others to establish scholarship programs this year.

Mr. President, it is my hope that CSFA’s leadership in the multitude of National Scholarship Month activities around the nation will broaden the sup- port for private scholarship dollars and increase the level of participation. Today, I ask my colleagues to join me in celebrating the generosity of our nation’s scholarship sponsors during this National Scholarship Month.

BICENTENNIAL OF LIBRARY OF CONGRESS

Mr. MOYNIHAN. Mr. President, I rise today to honor the Library of Congress on the occasion of its bicentennial. Since April 24, 1800, when President John Adams created the Library, it has stood as the foremost research library in the world. But more importantly it has been a symbol of the public’s free- dom of access to information, an idea which is the bedrock of our Republic. The history of the Library of Congress is filled with some rather compelling stories. The early days of the Li- brary were turbulent to the least. In 1813, in what may not have been our nation’s proudest moment, American troops burned the Parliament House and the Library of Canada in present day Toronto. Seeking revenge, a year later British troops stormed into Wash- ington, burned the White House and the Capitol, including the original Li- brary of Congress. Recognizing that this national treasure must be re- stored, the then retired Thomas Jeffer- son offered his personal library at Monticello as a replacement.

Today the Library is the most com- prehensive library in the country, and
is almost completely open to the public. It is more than just Congress' library, it is the nation's source of knowledge.

This year we have been marking the Library's 200th anniversary. It comes as no surprise that the centerpiece of this year's Bicentennial celebration is the Local Legacies Project, a volunteer project that celebrates America's history, culture, and folklore. With this exhibit the Library will showcase important events, places, and people from around the nation—things that help define who we are as Americans and what this country is all about.

I am proud that five projects from across New York State which I designated have been included as part of the Local Legacies Project. They are the Little Falls Canal Celebration, Winter Olympics at Lake Placid (Olympic Regional Development Authority), Summer at Jones Beach (New York State Parks), "Immigrant Life in New York," and the Adirondack Mountains. Finally, the Winter Olympics is about New York State Parks, "Immigrant Life in New York," and the Adirondack Mountains. Finally, the Winter Olympics is about New York State Parks, "Immigrant Life in New York," and the Adirondack Mountains. Finally, the Winter Olympics is about New York State Parks, "Immigrant Life in New York," and the Adirondack Mountains.

The Lower East Side Tenement museum shows how New York City's large and diverse immigrant culture lived upon beginning their new lives in America. That is the story of the Lower East Side and the home of the Allentown Arts Festival. I believe that these events, along with those other projects nominated by my colleagues from the New York Congressional Delegation, represent the diverse and rich history that is New York State.

Over two years have passed since the HubZone program was signed into law, but progress has been very slow. Recently the Small Business Administration certified the 1,000th HUBZone small business concern, a major milestone. However, the need is much greater. Without a large base of certified firms, the Government will not have enough participating companies to do business on the scale we envisioned in writing the program.

Because of this lack of certified companies, some agencies are throwing up their hands and opting not to carry out the HubZone law. Without enough vendors to bid on contracts, some agencies are letting this tremendous new resource sit idle.

Defense Department agencies in the New England States have proved an exception to that rule. The Northeast Regional Council, which comprises small business officers from Defense agencies and Procurement Technical Assistance Centers, along with defense contractors large and small, created a special High Performance Team dubbed "The Matchmakers" to identify problems in implementing the HubZone program and to work aggressively to solve them.

The Matchmakers found six components that were mismatched ("the hexa-mismatch problem") contract requirements, suppliers, commodities, agency databases, education and benefits under the program, and the HubZones themselves. For example, commodities to be purchased were not matched with suppliers who could provide them. Some firms were not necessarily matched to HubZone areas that would make them eligible to participate.

Having distilled the problem to its most basic elements, the Matchmakers are now setting out to track down suppliers who could fill the agencies' procurement needs, identify those that are located in HubZones, educate them about the program benefits, and get them to apply for certification.

Mr. President, this kind of aggressive action is exactly what is necessary to transform the HubZone Act from mere words on a page into a program that helps real people and communities. Someday, when the HubZone program is delivering benefits and creating jobs for people who currently do not have them, it will be essential to remember the people who made it possible. So that their names are not forgotten, I ask to include in the RECORD a list of the members of the Matchmakers High Performance Team, and I call the attention of my colleagues to their leadership and hard work.

Richard S. Alexander, Market Development Center, Bangor, ME
Ronald R. Belden, Kollsman Inc., Merrimack, NH
Deborah Bode, Kaman Aerospace Corporation, Bloomfield, CT
Ira M. Brand, Sanders-Lockheed Martin, Nashua, NH
Cynthia Reusch, Market Development Center, Bangor, ME
Sean Crean, Small Business Administration, Augusta, ME
Carl E. Cromer, Defense Contact Management Command, Hartford, CT
Janette Fasano, Small Business Administration, Boston, MA
Joseph M. Flynn, New Hampshire Office of Business and Industrial Development, Concord, NH
John Forcucci, BBN Corporation, Cambridge, MA
Benita Portner, Raytheon Company, Lexington, MA
Len Green, Massachusetts Small Business Development Center, Salem, MA
Keith Hubbard, Small Business Administration, Bedford, MA
Marides N. Kirwin, GEO-Centers, Inc., Newton, MA
Gregory Lawson, State of Vermont Department of Economic Development, Montpelier, VT
Ken Lewis, Rhode Island Economic Development Corporation, Providence, RI
John H. McMullen, General Dynamics Government Services Corporation, Needham Heights, MA
David J. Rego, Naval Undersea Warfare Center Division Newport, Newport, RI
Barbara A. Riley, Textron Systems, Wilmington, MA
Michael Robinson, Massachusetts Procurement Technical Assistance Center, Amherst, MA
Philip R. Varney, Defense Contract Management Command, Boston, MA
Denise M. Vogel, Connecticut Procurement Technical Assistance Center, New London, CT

GEORGIA RESEARCH ALLIANCE HELPS CONVERT A VISION INTO REALITY

Mr. CLELAND: Mr. President, ten years ago, the Governor of Georgia, business leaders, and academic leaders in the state of Georgia had a vision. Their vision was to cultivate and develop a robust technology-driven economy and to make
Georgia’s high-tech industry one of the best in the nation. I am pleased to report that this vision is a reality today. Georgia is now the nation’s leader in generating high-tech jobs and Atlanta is the undisputed high-tech capital of the Southeast. I’d like to pay tribute to the men and women of Georgia for their role in making these monumental achievements possible.

One of the leading organizations that is responsible for advancing Georgia’s high-tech economy is the Georgia Research Alliance. The Alliance’s mission is to develop Georgia’s high-tech economy by enabling the state’s research universities to become powerful engines of economic growth. The Alliance has carried out its mission over the past ten years by strategically investing $240 million in State and Federal funding and $65 million in matching funds from private sector firms, like Bell South, Merial Corporation and Georgia Power. These investments are paying big dividends. First, Georgia has utilized over $600 million in Federal grants and contracts for building a premier high-tech research infrastructure through focused investments in the State’s research universities, creating windows of opportunity for eminent scholars, building state-of-the-art research facilities and equipping the State’s research laboratories. The Alliance has also been responsible for creating a high-tech, business friendly environment for attracting and retaining high paying jobs. For another project, it is envisioning a team of collaborating researchers and industry partnerships to further develop new relationships with industry and add new companies to the State’s high-tech ecosystem. Today companies like Lucent Technologies, a development-stage company formed to commercialize the results of novel laboratory technologies in chicken transgenesis discovered at The University of Georgia. The company’s avian transgenesis platform is being used to improve poultry agronomic traits and helping the pharmaceutical industry develop high volumes of pharmaceutically-important proteins in eggs. Another successful high-tech startups is the Digital Furnace Corporation. Formed in mid-1998, Digital Furnace is a spin-off from the Broadband Telecommunications Center led by Georgia Research Alliance Eminent Scholar John Limb, who successfully developed broadband technology to interconnect and automate the entire home. These enterprises are benefitting directly from Georgia’s investment in new, state-of-the-art laboratories that the Alliance helped to build.

Even established major information technology companies are being attracted to Georgia by the presence of our strong science and technology programs and the state’s commitment to growing the pool of eminent scholars. Today companies like Lucent Technologies are seeking to capitalize on Georgia’s high-tech infrastructure. Recently Lucent Technologies announced that the University of Georgia will be home to its new Wireless Laboratory. The decision was based largely on its ability to work in close partnership with Georgia’s great researchers and the Alliance’s commitment to establish an eminent scholar chair and invest in a wireless systems laboratory at Georgia Tech. These investments are resulting in Georgia Tech’s and Lucent’s researchers working in partnership to further develop wireless communication capabilities. These investments and are anticipated to bridge the gap between a company’s problems and the expertise available at our research universities which, in
All this to say, osteoporosis is a disease which we in the Senate cannot afford to take lightly.

The National Osteoporosis Foundation has declared May to be National Osteoporosis Prevention Month. In my capacity as an honorary member of the foundation’s board of trustees, I am glad to have the opportunity to come to the floor to raise the issue of osteoporosis and speak on the need for continued vigilance in battling this disease.

In addition to being National Osteoporosis Prevention Month, May also marks a one-year anniversary for a special group in Iowa. In May 1999, a group of Newton, Iowa, residents formed the Newton Support Group under the leadership of Peg Bovenkamp and with the help of Skiff Medical Center. The Newton group is the first Iowa support network affiliated with the National Osteoporosis Foundation. Today, the Newton group and the Newton Support Group are participating in Newton’s Senior Citizen’s Health Fair. I wish them success as they provide information to older Iowans about osteoporosis prevention and treatment. It is my sincere hope that in coming years we will see similar groups form in other parts of my great state and throughout the region.

Throughout my years in Congress, I have championed effort to increase awareness and research funding for osteoporosis. In the 102nd Congress, I introduced legislation to increase research at the Arthritis Institute, form a research center on osteoporosis, and create a Health and Human Services interagency council to set priorities for osteoporosis research.

More recently, I cosponsored legislation which passed as part of the Balanced Budget Act (BBA) of 1997. The Bone Mass Measurement Coverage Standardization Act, included in the BBA, provides Medicare reimbursement for bone mass density tests for vulnerable beneficiaries. This benefit took effect July 1, 1998. And, yesterday I sent a letter to the Health Care Financing Administration (HCFA) requesting legislation to provide the most recent data possible on program utilization.

Osteoporosis deeply affects the lives of older Americans, mostly women. And, it is preventable if healthy lifestyle choices are made at a young age. As we recognize National Osteoporosis Prevention Month, I would commend the National Osteoporosis Foundation, the Strong Women Inside and Out coalition, Peg Bovenkamp and the Newton Support Group, and all those working to raise awareness of the disease. It is my sincere hope that someday in the not too distant future I can again come to the floor with news of a cure for osteoporosis. Until that time, I will continue supporting efforts to eradicate this devastating disease.

THE HISTORIC WOMEN’S COLLEGES AND UNIVERSITY BUILDING PRESERVATION ACT

Mr. COVERDELL. Mr. President, I rise to announce that I have added my name as a cosponsor to S. 2581, the Historic Women’s Colleges and University Building Preservation Act, which supports the preservation and restoration of historic buildings at seven historically women’s public colleges or universities. One of the colleges eligible under this bill is Georgia College and State University, which is located in Milledgeville, Georgia. This campus was founded in 1889 as the sister institution to Georgia Tech. At the time, its emphasis was on preparing young women for teaching or industrial careers.

Georgia College and State University has grown significantly over the years and is now the state’s designated liberal arts university, with a mission of combining the educational experiences typical of esteemed private liberal arts colleges with the affordability of public education. The school serves as a residential learning community with an emphasis on undergraduate education and offers selected graduate programs as well.

Several historic buildings comprise the campus which is located in the heart of the historic district of the city, which served as my state’s capital for much of the 19th Century. The former Governor’s mansion, the old Baldwin County Courthouse, and several historic residence halls are all candidates for the $10 million proposed in this legislation.

Mr. President, the schools which would receive funding under S. 2581 serve as a reminder of the struggle women went through to obtain access to higher education in our Nation. It is important that we do not allow these campuses to fade into history. I encourage all of my colleagues in the Senate and House to fully support this important legislation.

DRUG COURTS IN THE YEAR 2000

Mr. CAMPBELL. Mr. President, today I want to recognize Drug Courts and highlight the invaluable role they play in our Nation’s war on drugs. As I have done at this time of the year for the past two years, I take this opportunity to call my colleagues’ attention to the significant contribution Drug Courts make. Above all, I want to take this opportunity to once again recognize and applaud the dedicated professionals who have made our Nation’s Drug Courts the successes they are today.

As our Drug Courts enter their eleventh year of operation, they are as important as ever in our Nation’s battle against drug abuse and the devastating effects drugs have on our Nation and its families. Over the past year 100-plus new Drug Courts have been established throughout the country, bringing the

turn, is resulting in high-tech job creation and retention for the state of Georgia.

The work of the Alliance has only begun and they have great plans to build on their current successes by creating a stronger technology infrastructure in the State in the future. Their goal, as it has been in the past, is to make Georgia’s technology economic sector one of the top five in the nation by the year 2010. The outstanding successes of the men and women of the Alliance have proven that they are capable of achieving this goal.

Based on the successes they have already achieved, I believe they will reach their goal sooner than expected. Ladies and gentleman of the Georgia Research Alliance, I am very grateful for your contributions and I am looking forward to your continued successes. Thank you very much for making Georgia a world class leader in technology development and for making Georgia’s technology economy one of the best in the nation.

THE IMPACT OF OSTEOPOROSIS

Mr. GRASSLEY. Mr. President, I’d like to take a few moments to address a health issue of critical importance to Americans, especially older women. Osteoporosis affects 28 million Americans, 80 percent of whom are women. Nearly one in two women and one in every eight men over age 50 will experience an osteoporotic fracture in his or her lifetime. This disease measurably impacts the ability of many older Americans to maintain the independence and mobility so integral to mental well-being.

Osteoporosis is estimated to cost the United States care system $14 billion annually. In my home state of Iowa, it is estimated that $2.9 billion will be spent over the next 20 years as a result of hip and vertebral fractures. Annual costs are expected to increase from $76 million in 1995 to more than $229 million in 2015.

According to the Iowa Department of Elder Affairs, Iowa is the state with the highest proportion of people considered to be the “oldest old” in the country. Twenty percent are 80 years of age and over. The people in this age segment are more frequently women. They are usually living alone; and they are probably the persons with the lowest incomes.

One of the most sobering facts is that osteoporosis is largely preventable. Prevention is a key element in fighting the disease, because while there are numerous treatments for osteoporosis, there is no cure. According to the National Osteoporosis Foundation, there are four ways an individual can prevent osteoporosis. First, maintain a balanced daily diet rich in calcium and vitamin D. Participate in weight-bearing exercise, but not smoke or drink excessively. And finally, when appropriate, have your bone density tested and take any physician-prescribed medications.
May 23, 2000

CONGRESSIONAL RECORD — SENATE

S4295

total number to over 700. Additionally, Drug Courts are now expanding internationally, underscoring their value around the world.

I am especially glad to hear that some of our Drug Courts’ best practices are now being tailored to the needs and values of Native communities, which for many years have suffered disproportionately from the scourge of substance abuse. The kinds of programs offered by Drug Courts could play a vital role in breaking the “Iron Triangle” of substance abuse, gangs and crime that trap far too many of our Nation’s Native Americans and others in a cycle of poverty and hopelessness.

Next week—from June 1st and 3rd, 2000—the National Association of Drug Court Professionals (NADCP) will host the 6th Annual NADCP Drug Court Training Conference entitled “Expanding the Vision: The New Drug Court Pioneers,” in San Francisco, California. The NADCP expects that this year’s drug court conference will be the largest ever, with over 3,000 drug court professionals slated to attend. This year, six individuals will receive the 2000 NADCP New Pioneers Award. I congratulate and thank each of these outstanding people. I especially want to recognize an award recipient from my home state of Colorado, the Denver District Attorney, William Ritter, Jr.

The Denver Drug Court is the first—ever drug court system which now handles 75 percent of all drug cases filed in the city and county of Denver. All offenders, with the exception of illegal aliens, those arrested with a companion non-drug felony case or who have two or more prior felony convictions, are handled in this court. Most individuals are assessed within 24 hours of arrest. The pre-trial case managers monitor offenders on bond, while they await the start of the program. Over 8,000 participants have entered the program since it began operations on July 1, 1994.

As the Chairman of the Treasury and General Government Subcommittee, which funds the Office of National Drug Control Policy (ONDCP), I took the opportunity to visit the Denver Drug Court with ONDCP Director Barry McCaffrey. We met with the Drug Court professionals and observed their judicial procedures. We also saw first-hand how the court’s programs have a direct impact on drug-abusing offenders. I believe the Denver Drug Court serves as a role model for the next generation of Drug Court practitioners.

Drug Courts continue to revolutionize the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Drug Courts aim to reduce drug abuse and crime by employing tools like comprehensive jis, including monitoring, drug testing, supervision, treatment, rehabilitative services, as well as other sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. More than 70 percent of Drug Court clients have successfully completed the program or remain as active participants. Drug Courts are also cost-effective. They help convert many drug-using offenders into productive members of society. This is clearly preferable to lengthy or repeated incarceration, which traditionally has yielded few gains for those struggling with drugs or our Nation as a whole. Drug Courts are proving to be an effective tool in our fight against both drug abuse and other drug-related crime.

I urge my colleagues to join me in recognizing those Drug Court professionals who are improving their communities by dedicating themselves to this worthwhile concept and expanding the vision for the next generation of practitioners.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry treaties, nominations, and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE—A MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)) (the “Act”), I transmit herewith the Agreement Between the United States of America and the Republic of Chile on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Santiago on February 16, 2000.

The United States-Chilean Agreement is similar in objective to the social security agreements already in force between the United States and Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and to

WILLIAM J. CLINTON.

THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)) (the “Act”), I transmit herewith the Agreement Between the United States of America and the Republic of Korea on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Washington on March 13, 2000.

The United States-Korean Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and tax to
help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Korean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.

MESSAGES FROM THE HOUSE
At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of construction of a hydroelectric project in the State of Idaho.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1752. An act to make improvements in boxing industry.

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

At 4:53 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has passed the following joint resolution, without amendment:

S. J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

MEASURES REFERRED
The following bill was read the first and second times by unanimous consent and referred as indicated:

H. R. 1752. An act to make improvements in boxing industry.

The enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. Thurmond).

MEASURES UNREFERRED

The following bills and joint resolutions were signed after the first reading as indicated:

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 22, 2000, he had presented to the President of the United States, the following bill and joint resolution:

S. 1836. An act to extend the deadline for commencement of construction of hydroelectric project in the State of Alabama.

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2260: A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes (Rept. No. 106–299).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1089: A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes (Rept. No. 106–300).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 237: A bill to establish a Commission on Ocean Policy, and for other purposes (Rept. No. 106–301).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 1651: A bill to amend the Fishermen's Protection Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (Rept. No. 106–302).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2089: A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes.

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 2263: An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–304).

By Mr. STEVENS, from the Committee on Appropriations:


INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:
STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2602. A bill to provide for the Secretary of Housing and Urban Development to fund, on a 1-year emergency basis, certain requests for grant renewal under the programs for permanent supportive housing and shelter-plus-care for homeless persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 2603. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; placed on the calendar.

By Mr. DORGAN (for himself and Mr. ROCKSCHLER):

S. 2604. A bill to amend title 19, United States Code, to provide that rail agreements and contracts subject to approval by the Surface Transportation Board are no longer exempt from the application of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2605. A bill to amend the Internal Revenue Code of 1986 to expand income averaging to include the trade or business of fishing and to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. ROCKSCHLER, Mr. BYRON, Mr. BREARLY, Mr. INOUYE, Mr. FEINGOLD, Mr. EDWARDS, Mr. KERRY, Mr. CLELAND, Mr. DURBIN, and Mr. BYRD):

S. 2606. A bill to protect the privacy of American consumers; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 2607. A bill to promote pain management and palliative care without permitting assisted suicide or euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. ROTH):

S. 2608. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2609. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and to encourage opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HABIB (for himself, Mr. THOMAS, Mr. CRAIG, and Mr. FEINGOLD):

S. 2610. A bill to amend title XVIII of the Social Security Act to improve the provision of medical equipment; to the Committee on Finance.

By Mr. HABIB (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2611. A bill to provide trade adjustment assistance for certain workers; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2612. A bill to combat Estasy trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. RHEINGOLD, Mr. BIDEN, Mr. GRAHAM, Mr. BAUCUS, Mr. HARKIN, Mr. JOHNSON, Mr. DODD, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CONRAD):

S. Con. Res. 116. A concurrent resolution commending Israel’s redeployment from southern Lebanon; considered and agreed to.

HOMELSS ASSISTANCE LEGISLATION

Ms. SNOWE, Mr. President, I rise to introduce legislation designed to guarantee funding for Department of Housing and Urban Development (HUD) McKinney Act homeless assistance programs, including Shelter Plus Care and the Supportive Housing Program (SHP).

The legislation I am introducing today mirrors legislation introduced earlier this year in the House by Representative LaFalce and included in the House version of the FY01 supplemental, which would renew existing Shelter Plus and SHP contracts and fund them under the budget for HUD Section 8 housing assistance program.

The renewals funded under this legislation would provide grant funding for existing programs that support assistance to some of the most vulnerable Americans—the homeless. Without the resources that this bill is designed to provide, many who receive assistance today will literally be left out in the cold.

Keep in mind that these are not new programs—they are renewals. And they fund community initiatives already in place in cities and towns across the country that provide assistance to those in need. Under Shelter Plus and SHP, states are awarded grants for services such as subsidized housing for the homeless, many of whom are physically or mentally ill or disabled, or who suffer from substance abuse problems, as well as job training, shelters, health care, child care, and other services to this population. Some of the victims that are helped are children, low-income families, single mothers, and battered spouses. Many are also veterans.

I have witnessed first-hand the disconnect that can be caused by non-renewal. In January of last year, HUD issued homeless grant assistance announcements to most states but denied applications submitted by the Maine State Housing Authority and by the city of Portland, Maine leaving the state with only $231,000 out of $1.4 million for the homeless. We were alarmed to learn that this would mean that many homeless agencies and programs could lose

SHP, states are awarded grants for services such as subsidized housing for the homeless, many of whom are physically or mentally ill or disabled, or who suffer from substance abuse problems, as well as job training, shelters, health care, child care, and other services to this population. Some of the victims that are helped are children, low-income families, single mothers, and battered spouses. Many are also veterans.

I have witnessed first-hand the disconnect that can be caused by non-renewal. In January of last year, HUD issued homeless grant assistance announcements to most states but denied applications submitted by the Maine State Housing Authority and by the city of Portland, Maine leaving the state with only $231,000 out of $1.4 million for the homeless. We were alarmed to learn that this would mean that many homeless agencies and programs could lose
funding altogether, and that in fact, over 70 homeless people with mental illnesses or substance abuse problems would lose housing subsidies.

The Maine congressional delegation immediately protested the decision to HUD Secretary Andrew M. Cuomo, HUD officials subsequently zeroed out funding for Maine, a portion of the city's request, but refused to restore any state homeless funding.

In 1999, Maine's homeless assistance providers received about $3.5 million for HUD, and the State had simply requested $1.2 million for renewals and $1.27 million to meet additional needs. What did they get to meet these needs—nothing. In spite of the proven track record of homeless programs in Maine, including praise by Secretary Cuomo during an August 1998 visit to Maine, HUD completely zeroed out funding for Maine. Not a penny for these disadvantaged children, battered women, single mothers, disabled individuals, and veterans who sacrificed to preserve the freedoms we cherish.

This could happen anywhere, but it shouldn't. This is why I have also cosponsored legislation authored by my colleague from Maine, Senator Collins, to guarantee minimum funding for every state and assure a fairer, more equitable allocation of funding in the future. The legislation requires HUD to provide a minimum of 0.5 percent of funding to each state under title IV of the Stewart B. McKinney Homeless Assistance Act.

Without this assistance, basic subsidized housing and shelter programs suffer, and it is more difficult for states to provide job training, health care, child care, and other vital services to the victims of homelessness.

In 1988, 14,653 people were temporarily housed in Maine's emergency homeless shelters, amounting to people account for 30 percent of the population staying in Maine's shelters, which is approximately 135 homeless young people every night. Twenty-one percent of these young people are between 5-12 with the average age being 13.

It is vitally important that changes be made to our homeless policy to ensure that no state falls through the cracks in the future. As such, I urge my colleagues in the Senate to support me in this show of support for the legislation I am proposing today. I hope this legislation will contribute to the dialogue under way as to how best to enhance federal homeless assistance initiatives, so that programs around the country can continue to provide vital services to the least fortunate among us.

Lastly, Mr. President, I would be remiss if I did not express my gratitude to Senator Boxer, who chairs the Senate VA–HUD Subcommittee for his leadership and his support when HUD zeroed out funding for Maine's homeless programs. I am very grateful for his vision and leadership on issues of importance to homeless advocates nationwide. To that end, I am pleased that the Senate version of the fiscal year 2001 Agriculture Department appropriations report contains language expressing concern about the HUD policies that resulted in a number of local homeless assistance initiatives going unfunded in recent years, and urging HUD to ensure that expiring rental contracts are renewed. HUD is also directed to submit a report to Congress explaining why projects with expiring grants were rejected during the 1999 round.

I look forward to working with the Senate VA–HUD Appropriations Subcommittee as well as the Banking Committee as this year's legislative and appropriations process continues, and as we endeavor to craft a long-term solution to the homeless problem that is fiscally and socially responsible and improves the effectiveness of federal homeless programs for the future, with the leadership of the Senator VA–HUD and Banking panels on this important issue, and I am confident in their commitment to further improvements in the program.

By Ms. Collins:
S. 2605. A bill to amend the Internal Revenue Code of 1986 to expand income averaging to include the trade or business of fishing and to authorize individuals to carry back income from the purchase of fishing safety equipment; to the Committee on Finance.

TAX LEGISLATION FOR COMMERCIAL FISHERMEN

Ms. Collins. Mr. President, I rise today to introduce legislation designed to help commercial fishermen navigate the often choppy waters of the Internal Revenue Code.

The legislation I am introducing would make two commonsense changes to our tax laws. First, my legislation would extend a $1,500 tax credit to commercial fishermen to assist them in the purchase of fishing safety equipment; to the Committee on Finance.

The second provision of my bill would eliminate some of the perils that the Tax Code has that particularly affect commercial fishermen. I propose to allow fishermen to use income-averaging provisions that are now available to our Nation's farmers. For tax purposes, income averaging allows individuals to carry back income from a boom year to a prior less prosperous year. This tax treatment assists individuals who must adapt to wide fluctuations in their income from year to year by preventing them from being pushed into higher tax brackets in random good years.

Until 1986, both farmers and fishermen were covered under the Tax Code's income-averaging provisions. However, income averaging disappeared as part of the tax restructuring undertaken in 1986. In 1997, income-averaging provisions were again reintroduced into our Tax Code, but unfortunately, under the changes in the 1997 law only farmers were permitted to benefit from this tax relief. The Tax and Trade Relief Extension Act of 1998 permanently extended this tax relief provision, but again only for our farmers.

Although I am very pleased that Congress has restored income averaging for our Nation's farmers, I do not believe our fishermen should be left out in the
cold and excluded from using income averaging. The legislation that I intro-
duce today would restore fairness by extending income averaging to our
fishermen as well as our farmers.
Parallel tax treatment for fishermen and farmers is appropriate for many
reasons. Currently, unlike farmers, fishermen’s sole tax protection to hand-
le fluctuations in income are found in the Tax Code’s net operating loss pro-
visions. These provisions do not pro-
vide the tax benefits of income aver-
gaging from year to year due to a wide range of uncontrollable circumstances,
including market prices, the weather and, in the case of fishing, Government
restrictions.
I urge my colleagues to help our fish-
ermen cope with the fluctuations in their income by restoring this impor-
tant tax provision and by extending a safety tax credit to help protect them from the hazards that their fishing pro-
front entails.

By Mr. HOLLINGS (for himself,
Mr. ROCKEFELLER, Mr. BRYAN,
Mr. BREAUX, Mr. INOUYE, Mr.
FEINGOLD, Mr. EDWARDS, Mr. 
Kernasy, Mr. CLELAND, Mr. DUR-
BIN, and Mr. BYRD):
S. 2006. A bill to protect the privacy of American consumers; to the Com-
mittee on Commerce, Science, and
Transportation:

THE CONSUMER PRIVACY PROTECTION ACT

Mr. HOLLINGS. Mr. President, I rise
today to introduce legislation to ad-
dress one of the most pressing prob-
lems facing American consumers today—the constant assault on citi-
zens’ privacy by the denizens of the pri-
ate sector. As written by the Internet, the Consumer Privacy Protection Act of 2000, represents an attempt to provide basic, widespread, and warranted pri-
vacy protections to consumers in both the online and offline marketplace. On the Internet, our bill sets forth a regula-
tory regime to ensure pro-consumer privacy protections, coupling a strong federal standard with preemption of in-
consistent state laws on Internet pri-
vacy. We need a strong federal stand-
ard to protect consumer privacy on-
line, and we need preemption to ensure business certainty in the marketplace, given the numerous state privacy ini-
tiatives that are currently pending. Off the Internet, this bill extends privacy protections that are already on the books to similarly regulated industries or business practices, and requires a broad examination of privacy practices in the traditional marketplace to help Congress better understand whether further regulation is appropriate.
The purpose of this legislation comes as the Federal Trade Com-
mission releases its eagerly awaited report on Internet Privacy. Released yester-
day, that report concludes that Inter-
net industry self-regulation efforts have failed to protect adequately con-
sumer privacy. Accordingly, the report
calls for legislation that requires com-
mercial web sites to comply with the "four widely accepted fair information procedures” of notice, consent, access, and security. The legislation that we introduce today accomplishes just that.

On the Internet, many users unfortu-
nately are unaware of the significant amount of information they are surren-
dering every time they visit a web site. For many others, the fear of a loss of personal privacy on the Internet rep-
resents the last hurdle impeding their full embrace of this exciting and com-
suming new medium. Nonetheless, mil-
ions of Americans every day utilize the Internet and put their personal in-
formation at risk. As the Washington Post reported on May 17, 2000:

Traffic doubles every 100 days... These changes are not without a price. Along with the new medium comes growing concern about in-
trusions into privacy and the ability to pro-
tect identities online.

As Internet use proliferates, there needs to be some regulation and en-
fforcement to ensure strong consumer pri-
vacy policies, particularly where the collection, consolidation, and dissemi-
nation of personal information is so readily exposed in the digital age. Indeed, advances in technology have provided information gathers the tools to seamlessly compile and en-
hance highly detailed personal his-
tories of Internet users. Despite these indispensibilities, the legislation that
point nearly unanimously opposed even a basic regulatory framework that
would ensure the protection of con-
sumer privacy on the Internet—a basic framework that has been successfully adopted in our economy.

Our bill gives customers, not compa-
nies, control over their personal in-
formation on the Internet. It accom-
plices this goal by establishing in law
the five basic fair information practices
standards—notice, consent, access, security, and enforcement. The premise of these standards is simple:

(1) Consumers should be given notice of companies' information practices and what they intend to do with people’s personal information.

(2) Consumers should be given the op-
portunity to consent, or not to con-
sent, to those practices.

(3) Consumers should be given the right to access whatever information has been collected about them and to correct that information where nec-
essary.

(4) Companies should be required to establish reasonable procedures to en-
sure that consumers' personal informa-

tion is kept secure.

(5) A viable enforcement mechanism must be established to safeguard con-
sumers' privacy rights.

While the Internet industry argues that the need for these protections are premature, the threat to personal pri-
vacy posed by advances in technology was anticipated twenty three years ago by the Privacy Protection Study Com-
mision, which was created pursuant to the Privacy Act of 1974. In 1977, that Commission reported to the Congress and the federal government of the issue of privacy and technology. The Commission's portrait of the world in 1977 might well still be used today. That report found that society is in-
creasingly dependant on a 'computer based record keeping systems,' which result in a 'rapidly changing world in which insufficient attention is being paid—by policy makers, system design-
ers, or system users—to the privacy protection implications of these trends.' The report went on to state that even where some privacy protec-
tions exist under the law, "there is the danger that personal privacy will be further eroded due to applications of new technology. Policy makers must not be complacent about this potential. The economic and social costs of incor-
porating privacy protection safeguards into a record-keeping systems are al-
ways greater when it is done retro-
actively than when it is done at the system's inception.

Today, twenty three years later, as
we enter what America Online chair-
man Steve Case calls the "Internet Century," the words of the Privacy Commission could not be more appro-
priate. Poll after poll indicates that Americans fear that their privacy is not being sufficiently protected on the Internet. Last September, the Wall St. Journal reported that Americans’ num-
ber one concern (measured at 29 per-
cent as we enter the 21st century was a feeling of loss of control. Just two months ago, Business Week re-
ported that 57 percent of Americans be-
lieve that Congress should pass laws to govern how personal information is collected and used on the Internet. Moreover, a recent survey by the Fed-
eral Trade Commission found that 87 percent of respondents are concerned about threats to their privacy in rela-
tion to their online usage. And, while 
industry claims that self-regulation is the answer, only 15 percent of those polled by Business Week believed that the Government should defer to vol-
untary, industry-developed privacy standards.

Are these fears significant enough to require federal action? Absolutely, par-

cularly in light of predictions by peo-
ple such as John Chambers, the CEO of 
CISCO Systems, who forecasts that one quarter of all global commerce will be conducted online by 2010. As the Pri-
cacy Commission stated a quarter of a century ago, the "real social costs” of mandating pro-privacy pro-
tections will be far lower now than when the Internet is handling twenty
five percent of all global commerce. Besides if John Chambers is right, the Internet industry should embrace, rather than resist, strong privacy policies. Simply put, strong privacy policies represent good business. For example, a study conducted by Forrester Research in September 1999 revealed that e-commerce spending was deprived of $2.8 billion in possible revenue last year because of consumer fears over privacy.

Indeed, the fears and concerns reflected in these analyses are borne out in study after study on the privacy practices—or lack thereof—of the companies operating on the Internet. Last year, an industry commissioned study found that of the top 100 web sites, while 99 collect information about Internet users, only 22 comply with all four of the core privacy principles of notice, choice, access, and security. A broader industry funded survey reports that only about 20% of the top 350 Web sites implement all four of these privacy principles. This week, our Committee will hold a hearing to receive the report of the Federal Trade Commission on its most recent analysis of the privacy policies of the Internet industry. If the findings of that report show that they have made tremendous progress in their self-regulatory efforts, the FTC apparently, is not convinced—finding in its report released yesterday that "only 20% of the top 200 Web sites implement all four of the ten fair information practices in their privacy disclosure," and let self-regulation and the marketplace place against these articulable harms. We say that is like letting the fox guard the henhouse.

At the same time, we must not ignore the transparency by the Internet providers, the right to "opt-in" only with their "permission," that is "not rocket science," the executive adds to the senator to target them with specific advertising.

Moreover, evidence in the marketplace demonstrates that "opt-out" policies will not always lead to full informed consumer choice. First of all, "opt-out" policies place the burden on the consumer to take certain steps to protect their privacy on the Internet. For example, in contrast to most Internet and online service providers, American Online does not track its millions of Web surfers when they venture on the Internet and out of AOL's proprietary network. In addition, IBM—opposing federal legislation—refuses to advertise on Internet sites that do not possess and post a clear privacy policy. These are the types of practices that government welcomes. Unfortunately, they are far and few between.

As a result, the time has come to permit consumers to decide for themselves whether to act on the information they desire to permit commercial entities access to their personal information. Industry will argue that this is an aggressive approach. They will assert that at most, Congress should give customers the right to "opt-in" only with respect to those information practices deemed to be "sensitive"—such as the gathering of information regarding health, financial, ethnic, religious, or other particularly private areas. The information is this suggestion's that it leaves it up to Congress and industry lawyers and lobbyists to define what is in fact "sensitive" for individual consumers.

A better approach is to give consumers an "opt-in" right to control access to all personally identifiable information that might be collected online. This approach allows consumers to make their own, personal, and subjective determination as to what they do or don't want known about them by the business model. In this instance, if industry is right that most people want targeted advertising, then most people will opt-in. Indeed, Alta Vista, a commonly used search portal on the Internet, employs an "opt-in" approach.

As if this evidence were not enough, we only need to look to the February 24, 2000, article in TheStreet.Com entitled "DoubleClick's "Privacy Legislation Needn't Crimp Results." In that article, a leading Internet executive from DoubleClick, the Internet's most well known banner advertiser, states that his company would not "face an intractable problem" in attempting to operate under strict privacy rules. Complying with such rules is "not rocket science," the executive stated. "It's execution." He went on to state that his company could continue to be successful under an "opt-in" regulatory regime. This is a phenomenal admission that "opt-in" policies would not impede the basic functionality and commercial activity on the Internet.

The admission is particularly stunning in light of the fact that a company whose business model is to track consumer activities on the Internet so as to target them with specific advertising.

Moreover, evidence in the marketplace demonstrates that "opt-out" policies will not always lead to full informed consumer choice. First of all, "opt-out" policies place the burden on the consumer to take certain steps to protect their privacy on the Internet. For example, in contrast to most Internet and online service providers, American Online does not track its millions of Web surfers when they venture on the Internet and out of AOL's proprietary network. In addition, IBM—opposing federal legislation—refuses to advertise on Internet sites that do not possess and post a clear privacy policy. These are the types of practices that government welcomes. Unfortunately, they are far and few between.

As a result, the time has come to permit consumers to decide for themselves whether to act on the information they desire to permit commercial entities access to their personal information. Industry will argue that this is an aggressive approach. They will assert that at most, Congress should give customers the right to "opt-in" only with respect to those information practices deemed to be "sensitive"—such as the gathering of information regarding health, financial, ethnic, religious, or other particularly private areas. The information is this suggestion's that it leaves it up to Congress and industry lawyers and lobbyists to define what is in fact "sensitive" for individual consumers.

A better approach is to give consumers an "opt-in" right to control access to all personally identifiable information that might be collected online. This approach allows consumers to make their own, personal, and subjective determination as to what they do or don't want known about them by the business model. In this instance, if industry is right that most people want targeted advertising, then most people will opt-in. Indeed, Alta Vista, a commonly used search portal on the Internet, employs an "opt-in" approach.

As if this evidence were not enough, we only need to look to the February 24, 2000, article in TheStreet.Com entitled "DoubleClick's "Privacy Legislation Needn't Crimp Results." In that article, a leading Internet executive from DoubleClick, the Internet's most well known banner advertiser, states that his company would not "face an intractable problem" in attempting to operate under strict privacy rules. Complying with such rules is "not rocket science," the executive stated. "It's execution." He went on to state that his company could continue to be successful under an "opt-in" regulatory regime. This is a phenomenal admission that "opt-in" policies would not impede the basic functionality and commercial activity on the Internet.
some banner advertisers target their messages and ads to computers but not to people individually. They do this by tracking the Internet activity of a particular Internet Protocol address, without ever knowing who exactly is behind that address. Therefore, they can never share personal information about a consumer’s preferences, shopping, or research habits online, because they don’t know who that consumer is. According to the chief technology officer of Engage—a prominent banner advertiser—they need to know who someone is to make the [online] experience relevant. We’re trying to strike this balance between the consumer’s need for privacy and the marketer’s need to be effective in order to sustain a free Internet.” Such a business practice is an example of marketplace forces providing better privacy protection and my legislation recognizes that. Accordingly, if companies are only collecting and using non-personal information online they could comply with this bill by providing consumers with an “opt-out,” rather than an opt-in option.

Under this legislation, companies would be required to provide updates to consumers notifying them of changes to their privacy policies. Companies would also be prohibited from using information that had been collected under a prior privacy policy, if such use did not comply with that prior policy and if the consumer had not granted the new practice.

In addition, the bill would provide permanence to a consumer’s decision to grant or withhold consent, and allow the effect of that decision to be altered only by the consumer. Consequently, companies would not be permitted to let their customer’s privacy preferences expire, thereby requiring consumers to reaffirm their prior communication as to how they want their personal information handled.

Unfortunately, many privacy violations are often unknown by the very consumers whose privacy has been violated. Therefore, the legislation would provide whistleblower protection to employees of companies who come forward with evidence of privacy violations.

In order to enforce these consumer protections, our bill would call upon the Federal Trade Commission to implement the provisions of the legislation applicable to the Internet. The FTC is the sole federal agency with substantial expertise in this area. Not only has the FTC conducted extensive studies on Internet privacy and profiling on the Internet in recent years, but it recently concluded a comprehensive rulemaking to implement the fair information practice of notice, consent, access, and security, as required by the Childrens Online Privacy Protection Act (COPPA), which we enacted.

In addition, the legislation provides the attorneys general with the ability to enforce the bill on behalf of constituents in their individual states. And, while the legislation would preempt inconsistent state law, citizens would be free to avail themselves of other applicable remedies such as fraud, contractual breach, unjust enrichment, or emotional distress. Finally, the bill would permit individual consumers to bring a private right of action to enjoin Internet privacy violations.

While rules are clearly needed to protect consumer privacy on the Internet, we recognize that information is collected and shared in the traditional marketplace as well. The rate of collection, however, and the intrusiveness of the monitoring is nowhere near as significant as it is online. For example, when a consumer shops in a store in a mall and browses through items without purchasing anything, no one makes a list of his or her every move. To the contrary, on the Internet, every browse and observation, and individual click of the mouse may be surreptitiously monitored. Notwithstanding this distinction, it may be appropriate at some time to develop privacy protections for the general marketplace, in addition to those set forth in this bill. Therefore, why our bill asks the FTC to conduct an exhaustive study of privacy issues in the general marketplace and report to the Congress as to what rules and regulations, if any, may be necessary to protect consumer privacy.

We are also learning that employers are increasingly monitoring their employees—both in and out of the workplace—on the phone, on the computer, and in their daily activities on the job. While employees may be justified in taking steps to ensure that their workplace are productive and efficient, such monitoring raises implications for those workers’ privacy. Accordingly, this legislation directs the Department of Labor to conduct a study of privacy issues in the workplace, and report to Congress as to what—if any—regulations may be necessary to protect worker privacy.

Additionally, the legislation extends some existing privacy protections that we already know are working in the offline marketplace. For example, the bill would extend the privacy protections consumers enjoy while shopping in video stores to book and record providers as well as to the delivery of those products. The bill would also extend the privacy protections we put forth in the Cable Act of 1994 to customers who subscribe to multichannel video programming services via satellite. And, the legislation would codify the Federal Communications Commission’s CPNI rules, to provide privacy protection to telephone customers. The bill would also ask the Federal Communications Commission to harmonize existing privacy rules that protect communications technologies so that the personal privacy of subscribers to all communications services are protected equally. Finally, the legislation would clarify that personal information could not be deemed an asset if the company holding that information avails itself of the protection of our bankruptcy laws.

The development of a strong and comprehensive privacy regime must also address the security of Internet-connected computers. This month, the world was bitten by the “love bug,” a computer virus thought to impact computer systems in more than 20 countries and caused an estimated $10 billion in damages. One of the features of the “love bug” was an attempt to steal passwords stored on an infected hard drive. In the future, it is possible that the virus writer could have gained access to thousands of Internet access accounts. The spread of the virus highlighted the vulnerability of interconnected computer systems to malicious persons intent on disrupting or compromising legitimate use of these systems.

The development of technology, policies, and expertise to effectively protect computer systems and legitimate users is a cornerstone of privacy protection because a privacy policy is worthless if the company cannot adequately secure that information and control its dissemination. While it would be impossible for the Federal government to protect every web site from every threat, it can help users and operators of web sites by researching and developing better computer security practices. Therefore, I have included a title on computer security in this bill.

This title of the bill is an attempt to promote and enhance the protection of computers connected to the Internet. First, the bill would establish a 25-member computer security partnership council. This council would build on the public-private partnership proposed in the wake of February’s denial of service attacks which shut down leading e-commerce sites like Yahoo! and E-bay. The council would identify threats and help companies share solutions. It would be a major source of public information on computer security and could help educate the general public and businesses on good computer protection practices. In addition, our bill calls on the Council to identify areas in which we have not invested adequately in computer security research. This study could be a blueprint for future research budgets.

While the private sector has put significant resources into computer security research, the President’s Information Technology Advisory Council has noted that current information technology research is focused on the short-term and neglects long-term fundamental problems. This bill would authorize appropriations for the National Institute of Standards and Technology to invest in long-term computer security research. The computer research would complement private sector, market-driven research and could be conducted at NIST or through grants to
academic or private-sector researchers. The results of these investigations could power the next generation of advanced computer security technologies.

Of course those technologies will not protect government, or companies and their customers, unless there are well-trained professionals to operate and secure computer systems. The problem is particularly acute for the Federal government. According to a May 1980 Washington Post article, the Federal government will need to replace or hire more than 35,000 high-tech workers by the year 2006. The last time I checked, the same people who could fill those government positions are unaware that their activities in the workplace may be subject to significant and intrusive negative impact on the development of personal privacy on the Internet. The right to privacy is a personal and fundamental right worthy of protection in light of the significant data collection and dissemination practices employed today.

The Federal government thus far has eschewed general Internet privacy laws in favor of Internet regulation, which has led to several self-policing schemes, none of which are enforceable in any meaningful way or provide sufficient consumer protection.

State governments have been reluctant to enter the field of Internet privacy regulation because use of the Internet often crosses State, or even national, boundaries. In light of the convergence of and emerging competition among and between wireless, wireline, satellite, broadcast, and cable companies, privacy issues conducted by the agency with the most expertise in this area, the Federal Trade Commission, would benefit from an exhaustive analysis of general marketplace privacy issues conducted by the agency with the most expertise in this area, the Federal Trade Commission. The Congress would benefit from an exhaustive analysis of general marketplace privacy issues conducted by the agency with the most expertise in this area, the Federal Trade Commission. The Congress would benefit from an exhaustive analysis of general marketplace privacy issues conducted by the agency with the most expertise in this area, the Federal Trade Commission.

Finally, the bill would tie research and theory to meaningful, on-the-ground protections for Internet users. The bill calls on NIST to encourage and support the development of software standards that would allow users to set up an individual privacy regime at the outset and have those preferences follow them—without further intervention—as they surf the web. This bill asks a lot of private companies in protecting the personally-identifiable information of American citizens. It would be wrong for the Congress to accept the same standards it sets for itself as well. Title IX of the bill calls for the development of Senate and House rules on protecting the privacy of information obtained through official web sites.

Mr. President, I ask unanimous consent that the text of the Consumer Privacy Protection Act be printed in the RECORD.
(29) These databases should not be consid-
ered an asset with respect to creditors’ inter-
ests if the asset holder has availed itself of 
the protection of State or Federal bank-
ruptcy laws.

SEC. 3. PREEMPTION OF INCONSISTENT 
STATE LAW OR REGULATIONS.

(a) IN GENERAL.—Except as provided in 
subsection (b), this Act preempts any State 
law, rule, or regulation that is inconsistent 
with the provisions of this Act.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Nothing in this Act pre-
empts—

(1) the law of torts in any State;

(2) the common law in any State; or

(3) any State law, regulation, or rule that 
prohibits fraud or provides a remedy for 
fraud.

(2) PRIVATE RIGHT-OF-ACTION.—Notwith-
standing subsection (a), if a State law pro-
vides for a private right-of-action under a 
statute enacted to provide consumer protec-
tion, nothing in this Act precludes a person 
from bringing such an action under that 
statute, even if the statute is otherwise pre-
empted in whole or in part under subsection 
(a).

SEC. 4. TABLE OF CONTENTS.

The table of contents of this Act is as fol-

Sec. 1. Short title.

Sec. 3. Preemption of inconsistent State law 
or regulations.

Sec. 4. Table of contents.

Title I—Online Privacy

Sec. 101. Collection or disclosure of person-
ally identifiable information.

Sec. 102. Notice, consent, access, and secu-
ritv requirements.

Sec. 103. Other kinds of information.

Sec. 104. Exceptions.

Sec. 105. Permanence of consent.

Sec. 106. Disclosure to law enforcement agen-
cy or court under court order.

Sec. 107. Effective date.

Sec. 108. FTC rulemaking procedure 
required.

Title II—Privacy Protection for Consumers 
of Books, Recorded Music, and 
Videos

Sec. 201. Extension of video rental protec-
tions to books and recorded music.

Sec. 202. Effective Date.

Title III—Enforcement and Remedies

Sec. 301. Enforcement.

Sec. 302. Violation is unfair or deceptive act 
or practice.

Sec. 303. Private right of action.

Sec. 304. Actions by States.

Sec. 305. Whistleblower protection.

Sec. 306. No effect on other remedies.

Sec. 307. FTC Office of Online Privacy.

Title IV—Communications Technology Pri-
vacy Protections

Sec. 401. Protection for subscribers of 
satellite television services 
for private home viewing.

Sec. 402. Customer proprietary network 
information.

Title V—Rulemaking and Studies

Sec. 501. Federal Trade Commission ex-
mamination.

Sec. 502. Federal Communications Com-
mission rulemaking.

Sec. 503. Department of Labor study of 
privacy issues in the workplace.

Title VI—Protection of Personally Identifi-
able Information in Bankruptcy

Sec. 601. Personally identifiable information 
not asset in bankruptcy.

Title VII—Internet Security Initiatives

Sec. 701. Findings.

Sec. 702. Computer Security Partnership 
Council.

Sec. 703. Research and development.

Sec. 704. Computer security training pro-
gram.

Sec. 705. Government information security 
standards.

Sec. 706. Recognition of quality in computer 
security information systems.

Sec. 707. Development of automated privacy 
controls.

Title VIII—Congressional Information Secu-
rity Standards

Sec. 801. Exercise of rulemaking power.

Sec. 802. Senate.

Title IX—Definitions

Sec. 901. Definitions.

TITLE I—ONLINE PRIVACY

SEC. 101. COLLECTION OR DISCLOSURE OF PER-
SONALLY IDENTIFIABLE INFORMATION.

An Internet service provider, online serv-
ice provider, or operator of a commer-
cial website on the Internet may not collect, use, 
or disclose personally identifiable informa-
tion about a user of that service or website 
except in accordance with the provisions of 
this title.

SEC. 102. NOTICE, CONSENT, ACCESS, AND SECU-
RITY REQUIREMENTS.

(a) NOTICE.—An Internet service provider, 
online service provider, or operator of a com-
mercial website may not collect personally 
identifiable information from a user of that 
service or website unless that provider or op-
erator gives clear and conspicuous notice in 
a manner reasonably calculated to provide 
actual notice to any user or prospective user 
that personally identifiable information may 
be collected from that user. The notice shall 
describe—

(1) the specific information that will be 
collected;

(2) the methods of collecting and using the 
information collected; and

(3) all disclosure practices of that provider 
or operator for personally identifiable infor-
mation so collected, including whether it 
will be disclosed to third parties.

(b) CONSENT.—An Internet service provider, 
online service provider, or operator of a com-
mercial website may not—

(1) collect personally identifiable informa-
tion from a user of that service or website, 
or

(2) except as provided in section 107, dis-
close or otherwise use such information 
about a user of that service or website, 
unless the provider or operator obtains that 
user’s affirmative consent, in advance, to 
the collection and disclosure or use of that 
information.

(c) ACCESS.—An Internet service provider, 
online service provider, or operator of a com-
mercial website shall—

(1) upon request provide reasonable access 
to a user to personally identifiable informa-
tion that the provider or operator has col-
clected after the effective date of this title 
relating to that user;

(2) provide a reasonable opportunity for a 
user to correct, delete, or supplement any 
such information maintained by that pro-
vider or operator; and

(3) make the correction or supplementary 
information a part of that user’s personally 
identifiable information for all future disclo-
sure and other use purposes.

(d) SECURITY.—An Internet service pro-
vider, online service provider, or operator of 
a commercial website shall establish and 
maintain reasonable procedures necessary to 
protect the security, confidentiality, and in-
tegrity of personally identifiable information 
that that provider or operator 

(e) NOTICE OF POLICY CHANGE.—Whenever 
an Internet service provider, online service 
provider, or operator of a commercial 
website makes a material change in its pol-
icy for the collection, disclosure, or 
security of personally identifiable information, it—

(1) shall notify all users of that service or 
website of the change in policy; and

(2) may not collect, use, or otherwise 
use any personally identifiable information 
in accordance with the changed policy unless 
the user has affirmatively consented, under 
subsection (b), to its collection, disclosure, 
or use in accordance with the changed policy.

(f) NOTICE OF PRIVACY BREACH.—

(1) IN GENERAL.—If an Internet service pro-
vider, online service provider, or operator of 
a commercial website commits a breach of 
privacy with respect to the personally identifi-
able information of a user, then it shall, 
as soon as reasonably possible, notify all 
users whose personally identifiable informa-
tion was affected by that breach. The notice 
shall describe the nature of the breach 
and the steps taken by the provider or operator 
to remedy it.

(2) BREACH OF PRIVACY.—For purposes of 
paragraph (1), an Internet service provider, 
online service provider, or operator of a com-
mercial website commits a breach of privacy 
with respect to personally identifiable informa-
tion of a user if—

(A) it collects, discloses, or otherwise uses 
personally identifiable information in viola-
tion of any provision of this title; or

(B) it knows that the security, confiden-
tiality, or integrity of personally identifiable 
information is compromised by any act 
of failure to act on the part of the 
provider or operator or by any function of the 
Internet service or online service provided, 
or commercial website operated, by that 
provider or operator or by any function of the 
Internet service or online service provided, or 
commercial website operated, by that 
provider or operator or by any function of the

(g) APPLICATION TO CERTAIN THIRD-PARTY 
OPERATORS.—The provisions of this section 
applicable to Internet service providers, 
online service providers, and commercial 
website operators apply to any third party, 
including an advertizer, that uses that serv-
ice or website to collect information about 
users of that service or website.

SEC. 103. OTHER KINDS OF INFORMATION.

(a) IN GENERAL.—Except as provided in 
subsection (b), the provisions of sections 101 
and 102 (except for subsections (b), (c), and 
(e)/(2) to apply to personally identifiable 
information apply also to the collection, disclo-
sure or other use of information about 
users of an Internet service, online service, 
or commercial website that is not personally 
identifiable information.

(b) CONSENT RULE.—An Internet service 
provider, online service provider, or operator 
of a commercial website may not—

(1) collect information described in 
subsection (a) from a user of that service or 
website, or

(2) except as provided in section 107, dis-
close or otherwise use such information about 
a user of that service or website, 
unless the provider or operator obtains that 
user’s affirmative consent, in advance, to 
the collection and disclosure or use of that 
information.

(c) APPLICATION TO CERTAIN THIRD-PARTY 
OPERATORS.—The provisions of this section 
applicable to Internet service providers, 
online service providers, and commercial 
website operators apply to any third party, 
including an advertizer, that uses that serv-
ice or website to collect information about 
users of that service or website.
SEC. 104. EXCEPTIONS.
(a) In GENERAL.—Section 102 and 103 do not apply to the collection, disclosure, or use by an Internet service provider, online service provider, or operator of a commercial website to collect, disclose, or otherwise use personal information about a user of that service or website—
(1) to protect the security or integrity of the system or website; or
(2) to conduct a transaction, deliver a product or service, or complete an arrangement for which the user provided the information.
(b) Except as provided in paragraph (a), an Internet service provider, online service provider, or operator of a commercial website may not be held liable under this title, any other Federal law, or any State law for any action or omission for which consent is required under this title—
(1) shall remain in effect until changed by the user;
(2) except as provided in section 102(e), shall apply to any revised, modified, new, or improved service provided by that provider or operator to that user; and
(3) as excepted as provided in section 102(e), shall apply to the collection, disclosure, or other use of that information by any entity that is a commercial successor of that provider or operator, without regard to the legal form in which such succession was accomplished.

SEC. 105. PERMANENCE OF CONSENT.
The consent or denial of consent by a user of permission to an Internet service provider, online service provider, or operator of a commercial website to collect, disclose, or otherwise use personal information about a user of that service or website—
(a) that is required under this title—
(1) shall remain in effect until changed by the user;
(b) except as provided in section 102(e), shall apply to any revised, modified, new, or improved service provided by that provider or operator to that user; and
(c) as excepted as provided in section 102(e), shall apply to the collection, disclosure, or other use of that information by any entity that is a commercial successor of that provider or operator, without regard to the legal form in which such succession was accomplished.

SEC. 106. DISCLOSURE TO LAW ENFORCEMENT AGENCY OR UNDER COURT ORDER.
(a) In GENERAL.—Notwithstanding any other provision of this title, an Internet service provider, online service provider, or operator of a commercial website may disclose personally identifiable information collected before the effective date of this title concerning any consumer—
(1) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);
(2) in response to a court order in a civil proceeding brought by the Department of Justice, an equivalent State warrant, or a court order issued in accordance with subsection (c); and
(3) in response to a court order in a civil proceeding brought by an individual seeking to engage in criminal activity and that the records or other information sought are material to the investigation of such activity.

TITLE II—PRIVACY PROTECTION FOR CONSUMERS OF BOOKS, RECORDED MUSIC, AND VIDEOS

SEC. 201. EXTENSION OF VIDEO RENTAL PROTECTIONS TO BOOKS AND RECORDED MUSIC.
(a) In GENERAL.—Section 2710 of title 18, United States Code, is amended by striking the section designation and all that follows through the end of subsection (b) and inserting the following:

"2710. Wrongful disclosure of information about video, book, or recorded music rental, sale, or delivery.

"(a) Definition.—In this section:

"(1) The term 'book dealer' means any person engaged in the business, in or affecting interstate or foreign commerce, of renting, selling, or delivering books, manuscripts, or other written or printed material (regardless of the format or medium), or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

"(2) The term 'recorded music dealer' means any person engaged in the business, in or affecting interstate or foreign commerce, of selling, renting, or delivering recorded music, regardless of the format in which or on which it is recorded, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

"(3) The term 'consumer' means any person, purchasing or using goods or services from a video provider, book dealer, or recorded music dealer, as the case may be, has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity.

"(b) PROHIBITIONS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

"(c) SAFE GUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in subsection (a) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

"(d) COURT ORDERS.—A court order authorizing disclosure under subsection (a) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user is engaged, or is about to engage, in criminal activity and that the records or other information sought are material to the investigation of such activity. In the event of an emergency in which such a court order shall not be issued prohibited by the law of such State, a court issuing an order pursuant to this subsection, on a motion made promptly by the Internet service provider, online service provider, or operator of the commercial website, may quash or modify such order if the information sought is reasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the information provider or operator.

"(e) EFFECTIVE DATE.—This title takes effect after the Federal Trade Commission completes the rulemaking procedure under section 109.

"(f) APPLICATION TO PRE-EXISTING DATA.—(1) In GENERAL.—After the effective date of this section, sections 102(b)(1), 103(b)(2), and 105 apply to information collected before the date of enactment of this Act.

"(2) COLLECTION OF BOTH KINDS OF INFORMATION.—Section 102(b)(1) and 103(b)(1) do not apply to information collected before the effective date of this title.

"(g) DISCLOSURE.—A video provider, book dealer, or recorded music dealer may disclose personally identifiable information concerning any consumer of such provider or seller, as the case may be, is, shall be liable to the aggrieved person for any relief provided in subsection (d).

"(h) PERSONAL INFORMATION WHILE THE USER IS A MINOR.—If an order is issued against a minor seeking the disclosure of personal information of the court proceeding, the minor is entitled to be accommodated by any other means if—

"(1) the video provider, book dealer, or recorded music dealer, as the case may be, has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity.

"(i) the court proceeding is a civil proceeding upon a showing of compelling need for the information that cannot be accomplished by any other means, in a conspicuous manner, with the opportunity to prohibit such disclosure; and

"(j) the disclosure does not identify the title, description, or subject matter of any video or other audio-visual material, books, magazines, or other printed material, or recorded music.

"(k) To any person if the disclosure is incident to the ordinary course of business of the video provider, book dealer, or recorded music dealer; or

"(l) Pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accomplished by any other means, in a conspicuous manner, with the opportunity to prohibit such disclosure; and

"(m) the consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

"(n) SAFE GUARDS.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

"(o) PRESERVATION OF RECORDS.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the consumer and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing a court order pursuant to this subsection, on a motion made promptly by the video provider, book dealer, or recorded music dealer, may quash or modify such order if the information sought records reasonably voluminous in nature or if compliance with such order otherwise would cause an
unreasonable burden on such video provider, book dealer, or recorded music dealer, as the case may be.’”.

(b) CONFORMING AMENDMENTS.—

(1) Sections (c) through (f) of section 2701 of title 18, United States Code, are amended by striking “video tape service provider” each place it appears and inserting “video provider”.

(2) The item relating to section 2701 in the analysis for chapter 121 of title 18, United States Code, is amended to read as follows: “2710. Wrongful disclosure of information about video, book, or recorded music rental or sales.”.

SEC. 202. EFFECTIVE DATE.

The provisions amended by section 201 take effect 12 months after the date of enactment of this Act.

TITLE III—ENFORCEMENT AND REMEDIES

SEC. 301. ENFORCEMENT.

Except as provided in section 302(b) and section 2710(d) of title 18, United States Code, this Act shall be enforced by the Federal Trade Commission. Except as otherwise provided in this Act, a violation of this Act may be punished in the same manner as a violation of a regulation of the Federal Trade Commission.

SEC. 302. VIOLATIONS IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.

(a) In General.—The violation of any provision of title I is an unfair or deceptive act or practice, except as provided in section 2(b)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Enforcement by Certain Other Agencies.—(1) The Commission shall endeavor to enjoin any person from violating title I in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms of section 45 of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that title is subject to the penalties and entitlement to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of title I.

(c) Effect on Other Laws.—(1) Preservation of Commission Authority.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

(2) Relation to Communications Act.—Nothing in this title I requires an operator of a website or online service to take any action that is inconsistent with the requirements of sections 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 2144, respectively).

SEC. 303. PRIVATE RIGHT OF ACTION.

(a) Private Right of Action.—A person who personally identifiable information is collected, disclosed, or used, is likely to be harmed by disclosure or use of that information, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

(1) an action to enjoin or restrain such violation;

(2) an action to recover for actual mone"y loss from such a violation, or to receive $5,000 in damage for such violation, whichever is greater; or

(3) both such actions.

(b) Willful and Knowing Violations.—If the court finds that the defendant willfully or knowingly violated title I, the court may, in its discretion, increase the amount of the award available under subsection (a) to $50,000.

(c) Exception.—Neither an action to enjoin or restrain a violation, nor an action to recover for loss or damage, may be brought under this section for the accidental disclosure of information if the disclosure was caused by an Act of God, network or systems failure, or other event beyond the control of the Internet service provider, or operator of a commercial website where the provider or operator took reasonable precautions to prevent such disclosure in the event of such a failure or other event.

(d) Attorney Fees; Punitive Damages.—Notwithstanding subsection (a)(2), the court in an action brought under this section, may award reasonable attorney fees and punitive damages to the prevailing party.

SEC. 304. ACTIONS BY STATES.

(a) In General.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is being adversely affected by the engagement of any person in a practice that violates title I, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with the rule;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State;

(D) obtain such other relief as the court may consider to be appropriate.

(2) Notice.—

(i) In General.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(A) a written notice of that action; and

(B) a copy of the complaint for that action.

(ii) Exemption.—(I) In General.—Subparagraph (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) Notification.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) Procedure.—

(1) In General.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) Effect of Intervention.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) Construction.—For purposes of bringing a civil action under subsection (a), nothing in this Act shall be construed to preclude an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) Actions by the Commission.—In any case in which an action is brought under subsection (a), the Commission may bring suit under this section for the accidental disclosure of information if the disclosure was caused by an Act of God, network or systems failure, or other event beyond the control of the Internet service provider, or operator of a commercial website where the provider or operator took reasonable precautions to prevent such disclosure in the event of such a failure or other event.

(e) Venue; Service of Process.—

(1) Venue.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) Service of Process.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 305. WHISTLEBLOWER PROTECTION.

(a) In General.—No Internet service provider, online service provider, or commercial website operator may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal or State agency or to the Attorney General of the United States or of any State regarding a possible violation of any provision of title I.

(b) Enforcement.—Any employee or former employee who believes he has been
in violation of subsection (a) may file a civil action under any provision of law to a cable or satellite carrier, satellite carrier, or distributor. A cable or satellite subscriber shall have access to such information.

(c) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor may not disclose personally identifiable information concerning an individual consumer without the prior written or electronic consent of the subscriber.

(2) EXCEPTION.—A cable operator, satellite carrier, or distributor may disclose any information provided by the cable operator, satellite carrier, or distributor to the subscriber; or

(3) COURT ORDERS.—A governmental entity that has obtained a court order authorizing such disclosure may disclose such information, including an identification of the subscriber, to any other governmental entity that has obtained a court order authorizing such disclosure.

(d) DESTRUCTION OF INFORMATION.—A cable or satellite carrier or distributor shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

(e) RELIEF.—

(1) IN GENERAL.—Any person aggrieved by any act of a cable operator, satellite carrier, or distributor in violation of this section may bring a civil action in a district court of the United States.

(2) DAMAGES AND COSTS.—In any action brought under paragraph (1), the court may award a prevailing plaintiff—

(A) reasonable attorney fees and other litigation costs reasonably incurred.

(B) punitive damages; and

(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

(f) NO EFFECT ON OTHER REMEDIES.—The remedy provided by this subsection shall be in addition to any other remedy available under any provision of law to a cable or satellite subscriber.

(2) OTHER REMEDIES.—The remedies provided by this subsection shall be additional to any other remedy available under any provision of law to a cable or satellite subscriber.

(a) IN GENERAL.—The term ‘cable operator’ has the meaning given that term in section 602.

(b) INCLUSION.—The term includes any person who—

(i) is owned or controlled by, or under common ownership or control with, a cable operator; and

(ii) provides any wire or radio communications service.

(3) OTHER SERVICE.—The term ‘other service’ includes any telephone service, or radio communications service provided using any of the facilities of a cable operator, satellite carrier, or distributor that is used in the provision of cable service or satellite home viewing service.

(4) PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ shall not include aggregate data that does not identify particular persons.
SEC. 502. FEDERAL COMMUNICATIONS COMMISSION.—

(a) PROCEEDING REQUIRED.—The Federal Communications Commission shall initiate a rulemaking proceeding to establish uniform consumer privacy rules for all communications providers. The rulemaking proceeding shall—

(1) examine the privacy rights and remedies of the consumers of all online and offline technologies, including telecommunications providers, cable, broadcast, satellite, wireless, and telephony services;

(2) determine whether consumers are able, and, if not, the methods by which consumers may be enabled to exercise such rights and remedies; and

(3) change the Commission’s regulations to coordinate, rationalize, and harmonize laws and regulations administered by the Commission that relate to those rights and remedies.

(b) NOTICE WITH RESPECT TO CERTAIN AGREEMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor who has entered into agreements referred to in section 83(a) of the Communications Act of 1934, as amended by subsection (a), before the date of enactment of this Act, shall provide any notice required under that section, as so amended, to subcommittee on the date not later than 180 days after that date.

(2) EXCEPTION.—Paragraph (1) shall not apply to any agreement entered into by a cable operator, satellite carrier, or distributor providing notice under section 83(a) of the Communications Act of 1934, as in effect on the date before the date of enactment of this Act, as of such date.

SEC. 503. DEPARTMENT OF LABOR STUDY OF EMPLOYEE-MONITORING ACTIVITIES.—

The Secretary of Labor shall study the extent and nature of employer practices that involve monitoring employee activities and use from the workplace, by electronic or other remote means, including surveillance of electronic mail and Internet use, to determine whether such practices constitute an inappropriate violation of employee privacy. The Secretary shall report the results of the study, including findings and recommendations, if any, for legislation or regulation to the Congress within 6 months after the date of enactment of this Act.

TITLe VI—PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION IN BANKRUPTCY

SEC. 601. PERSONALLY IDENTIFIABLE INFORMATION NOT ASSET IN BANKRUPTCvY.—

Section 541(b) of title 11, United States Code, is amended—

(1) by striking “or” after the semicolon in paragraph (4); (B)(ii); and

(2) by striking “prohibition;” in paragraph (5) and inserting “prohibition;” and

(3) by inserting after paragraph (5) the following:

“(B) any personally identifiable information (as defined in section 901(6) of the Consumer Privacy Protection Act), or any compilation, or record (in electronic or any other form) of such information.”

TITLe VII—INTERNET SECURITY INITIATIVES

SEC. 701. FINDINGS.—

The Congress finds the following:

(1) Good communication practices are an underpinning of any privacy protection. The operator of a computer system should protect that system from unauthorized use and secure any private, personal information.

(2) The Federal Government should be a role model in securing its computer systems and should ensure the protection of private, personal information controlled by Federal agencies.

(3) The National Institute of Standards and Technology has the responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of private, personal information in Federal computer systems.

(4) This Nation faces a shortage of trained, qualified information technology workers, including computer security professionals. As the demand for information technology workers grows, the Federal government will have an increasingly difficult time attracting these workers into its workforce.

(5) Some commercial off-the-shelf hardware and off-the-shelf software components to protect computer systems are widely available, but Federal research and development in computer security research, particularly in the area of infrastructure protection.

(6) The Nation’s information infrastructures are owned, for the most part, by the private sector, and partnerships and cooperation will be needed for the security of these infrastructures.

(7) There is little financial incentive for private companies to enhance the security of the Internet and other infrastructures as a whole. The Federal government will need to make investments in this area to address issues and concerns not addressed by the private sector.
SEC. 703. RESEARCH AND DEVELOPMENT.
Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—
(1) by redesigning subsections (c) and (d) as subsections (d) and (e), respectively; and
(2) by inserting after subsection (b) the following:
```````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````````
report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) EFFECTIVE DATE.—In the case of a resolution of the Senate, the matter after the resolving clause shall be the following: “the following regulations issued by” the Senate, at all times on or after—2— are hereby approved!" (the blank spaces being appropriately filled in and the text of the regulations being set forth).

(5) ISSUANCE AND EFFECTIVE DATE.—
(i) PUBLICATION.—After approval of the regulations under subsection (c), the Sergeant at Arms shall submit the regulations to the Clerk of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal.

(ii) DATE OF ISSUANCE.—The date of issuance of the regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(iii) EFFECTIVE DATE.—The regulations shall become effective not less than 60 days after the regulations are issued, except that the Sergeant at Arms may provide for an earlier effective date if cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulations.

(iv) AMENDMENT OF REGULATIONS.—Regulations may be amended in the same manner as is described in this section for the adoption, amendment, or repeal of a regulation, except that the Sergeant at Arms may disapprove with publication of a general notice of proposed rulemaking of minor, technical, or immaterial nature and shall then submit the regulations under subsection (c), the Sergeant at Arms shall submit the regulations for publication in the Congressional Record under paragraph (1).

(6) FEDERAL AGENCY.—The term “Federal agency” means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(7) INTERNET.—The term “Internet” means collectively the network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds.

(8) PERSONALLY IDENTIFIABLE INFORMATION.—The term “personally identifiable information” means individually identifiable information about an individual collected online, including:

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) a credit card number;

(G) a birth date, birth certificate number, or place of birth;

(H) any other identifier that the Commission determines permits the physical or online location of a particular individual online;

(I) unique identifying information that an Internet service provider, online service provider, or operator of a commercial website collects and can identify a user with an identifier described in this paragraph.

(9) INTERNET SERVICE PROVIDER; ONLINE SERVICE PROVIDER; WEBSITE.—The Commission defines an Internet service provider, online service provider, or operator of a commercial website for any purpose, except where such information concerns a person who provides support for the internal operations of the service or website and who does not disclose or use that information for any other purpose.

(10) OFFLINE.—The term “offline” refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that occurs other than by or through the active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

(11) ONLINE.—The term “online” refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that is effected by active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

Mr. EDWARDS. Mr. President, Big Browser is watching you. Almost every time, you or I or an American consumer surfs the Internet, someone is tracking our behavior, and someone is compiling a database of information about our preferences and could even be profiling us. Maybe they’re doing it to make our experience better. Most of the time, they probably are. But too often we are being profiled for profit, and at the expense of privacy.

I am proud to co-sponsor Senator HOLLINGS’ legislation, the Consumer Privacy Protection Act, that would help consumers gain control of their most personal information. I believe that the measure we introduce today is a step in the right direction. It strikes the right balance. Privacy is protected, while critical elements of the information revolution are preserved. Consumer confidence in the Internet is bolstered, while businesses will not be overburdened by the requirements.

We can enjoy the convenience of online shopping and allow e-commerce to thrive without putting profits over privacy. Consumers, not dot.com companies, should control the use of confidential information about buying habits, credit card records and other personal information.

Mr. President, the time to act is now. If not, we may wake up one day to find our privacy so thoroughly eroded that recovering it will be almost impossible. While it ones that the rapid development of modern technology has been beneficial. New and improved technologies have enabled us to obtain information more quickly and easily than ever before. Students can participate in classes that are being taught in other states, or even in other countries. Almost no product or piece of information is beyond the reach of Americans anymore. A farmer in Sampson County, North Carolina can go on the Internet and compare prices for anything he needs to run his business. Or he can look up critical weather information on the Internet. Or he can just order a hard-to-get book. Meanwhile, companies have streamlined their procurement processes, providing quicker and cheaper services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records and buying habits. They have made it possible to serve ads based on your personal information such as being eaten regardless of the medium by or through which that connection is established.

...
The impact of this erosion ranges from the merely annoying—having your mailbox flooded with junkmail—to the actually frightening—having your identity stolen or being turned down for a loan because your bank got copies of your medical records. There are thousands of ways in which the loss of our privacy can impact us. Many of them are intangible—just the discomfort of knowing that complete strangers can find out everything about you: where you shop, what books you buy, whether you have allergies, and whether your credit rating is. These strangers may not do anything bad with the information, but they know all about you. I think privacy is a value per se. Our founding fathers recognized it, and so do most Americans.

"Liberty in the constitutional sense," wrote Justice William O. Douglas, "must mean more than freedom from unlawful governmental restraint; it must include privacy as well, if it is to be a freedom. The right to be left alone is included in the beginning of all freedom."

Recent surveys indicate that the American public is increasingly uneasy about the degradation of their privacy. In a recent survey, 59 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the money spent in the United States comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

We must be vigilant that our privacy does not become a commodity to be bought and sold. I would also like to point out one area of privacy protection that I have been deeply interested in. Last November, I introduced the Telephone Call Privacy Act. My bill would prevent telecommunication companies from using an individual's personal phone call records without their consent. Most Americans would be stunned to learn that the law does not protect them from having their phone records sold to third parties. Imagine getting a call one night—during dinner—and having a telemarketer try to sell you membership in a travel club because your phone calling patterns show frequent calls overseas. My legislation would prevent this from occurring without the individual's permission.

This measure we introduce today also contains a provision relating to telephone privacy. It differs in at least one key respect from the legislation I previously introduced, but my hope is that as we discuss this issue over time, the differences will be resolved.

Mr. Chairman, I would like to conclude by thanking Senators HOLLINGS and LEAHY for their leadership on this vital issue. Senator HOLLINGS has crafted the comprehensive and thoughtful proposal that we introduce today. Senator LEAHY has led a coalition of Senators interested in this issue. I look forward to working with them and my other colleagues in passing this measure.

I believe that the information that can be collected by website administrators can create problems for people through a violation of trust and an invasion of privacy. I believe that industry efforts by themselves are not sufficient to control the advertising aimed at that person. At one website visit, a company can collect some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could determine whether you had installed some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could determine whether you had installed a virus. The report also indicated that only 42 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the money spent in the United States comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

Most of the Dot Com companies doing business over the Internet today like to regale us with the wonders of the system. They tell us that privacy is a major concern for their customers. Many of these firms allow visitors to their web site to "opt out," or elect not to provide data they consider private and do not wish to give. A Federal Trade Commission May 2000 Report to Congress found that 92 percent of a random sampling of websites were collecting great amounts of personal information from consumers and only 14% disclosed anything about how the information would be used. More interestingly, a finding that a mere 41% of the randomly selected websites notified the visitor of their information practices and offered the visitor choices on how their personal identifying information would be used. These report findings seem to suggest that industry efforts by themselves are not sufficient to control the advertising aimed at that person. At one website visit, a company can collect some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could determine whether you had installed a virus. The report also indicated that only 42 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the money spent in the United States comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

Concern about one's privacy on the Internet is keeping people from fully enjoying the new technology. According to a recent survey by the Center for Democracy & Technology, consumers' most pressing privacy issues are the sale of personal information and tracking people's use of the Web. In another recent survey, 66.7 percent of online "window shoppers" state that assurances of privacy will be the basis for their online purchases. These surveys make the same point that was made when credit cards were first introduced to the American public many years ago. People did not initially enjoy widespread usage because of a fear that others could misuse the card. From these studies' findings it can be reasoned that the Internet is experiencing the same effects because of privacy concerns. These concerns are translating into lost opportunity, for consumers as well as electronic businesses.

Most of the Dot Com companies doing business over the Internet today like to regale us with the wonders of the system. They tell us that privacy is a major concern for their customers. Many of these firms allow visitors to their web site to "opt out," or elect not to provide data they consider private and do not wish to give. A Federal Trade Commission May 2000 Report to Congress found that 92 percent of a random sampling of websites were collecting great amounts of personal information from consumers and only 14% disclosed anything about how the information would be used. More interestingly, a finding that a mere 41% of the randomly selected websites notified the visitor of their information practices and offered the visitor choices on how their personal identifying information would be used. These report findings seem to suggest that industry efforts by themselves are not sufficient to control the advertising aimed at that person. At one website visit, a company can collect some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could determine whether you had installed a virus. The report also indicated that only 42 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the money spent in the United States comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

Most of the Dot Com companies doing business over the Internet today like to regale us with the wonders of the system. They tell us that privacy is a major concern for their customers. Many of these firms allow visitors to their web site to "opt out," or elect not to provide data they consider private and do not wish to give. A Federal Trade Commission May 2000 Report to Congress found that 92 percent of a random sampling of websites were collecting great amounts of personal information from consumers and only 14% disclosed anything about how the information would be used. More interestingly, a finding that a mere 41% of the randomly selected websites notified the visitor of their information practices and offered the visitor choices on how their personal identifying information would be used. These report findings seem to suggest that industry efforts by themselves are not sufficient to control the advertising aimed at that person. At one website visit, a company can collect some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could determine whether you had installed a virus. The report also indicated that only 42 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the money spent in the United States comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

I am proud to be cosponsoring the Consumer Privacy Protection Act of 2000 that was introduced today by Senator HOLLINGS. This Act will legitimize the practices currently being used by the Dot Com companies that are collecting private data. Does it seem unreasonable that firms collecting private data should notify consumers of the firm's information practices, offer the consumer choices on how the personal information will be used, allow consumers to access the information that is collected on them and require the firms to take reasonable steps to protect the security of the information that is collected? I think not. Firms already performing under standards very similar to these. I believe that all firms should be held to the same standard and that a level playing field should be established for every firm that is collecting data. Taking these actions will translate into greater consumer confidence in the Internet.

Increasing the level of protection for private information to a level that the people of our nation can live with should not necessarily result in a loss of revenue to those firms already serving or providing fair privacy treatment of their site visitors. This Act certainly will be a relief to the people who are visiting their sites.
Passing this Consumer Privacy Protection Act will help prevent confusion by establishing a common set of standards for all firms to follow and all Americans to enjoy.

By Mr. WYDEN:

S. 2667. A bill to promote pain management and palliative care without permitting assisted suicide euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PAIN RELIEF PROMOTION ACT

Mr. WYDEN. Mr. President, today I am introducing legislation which was actually authored by Senators NICKLES and HATCH, and which they have entitled the “Pain Relief Promotion Act.” Their bill which I am now introducing is identical to H.R. 2260 as reported out of the Judiciary Committee on April 27, 2000, as amended. Today, it has been referred by the Senate Parliamentarian to the Committee on Health, Education, Labor, and Pensions (HELP).

While I remain steadfastly opposed to the “Pain Relief Promotion Act of 2000,” I am introducing this bill for one reason: to call the Senate’s attention to the fact that a far-reaching health policy bill, on which many experts believe has the potential to sentence millions of sick and dying patients across the nation to needless pain and suffering—was mistakenly referred to a committee with insufficient health policy jurisdiction. It is that bill which the Judiciary Committee reported and which, without consideration by the committee with health expertise, the Republican leadership wants to bring to the floor. The unintended consequence of this could be the tragic decline of the quality of pain care across our nation.

Some historical context might help my colleagues and their staff better understand how the Senate finds itself in this unfortunate situation, and the important issues that are at stake. On two separate occasions, the State of Oregon passed a ballot measure that would allow terminally ill persons, with less than six months left to live, to obtain a physician-assisted suicide if they met a variety of safeguard requirements. As a private citizen, I voted twice with the minority of my state in opposition to that measure.

In Oregon’s vote, several of our congressional colleagues, including Senator NICKLES, Senator LIEBERMAN, and Congressman HENRY HYDE, promptly undertook legislative and other efforts to overturn Oregon’s law. I do not, for the purposes of today, debate the merits of the Oregon law or the merits of physician-assisted suicide, generally.

The original “Pain Relief Promotion Act,” S. 1272, was introduced in the Senate by Senator NICKLES, and referred to the Committee on Health, Education, Labor and Pensions (HELP) on June 23, 1999. That committee held one inconclusive hearing on October 13, 1999, at which time it was reported that Senators on both sides of the aisle wished to investigate the matter more thoroughly before acting on the legislation.

Then, on November 19, 1999, Bob Dove, the Senate Parliamentarian, made what he termed “a mistake” when he referred H.R. 2260—the virtually identical House-passed version of the “Pain Relief Promotion Act”—to the Senate Judiciary Committee. Over the course of the Senate, I have come to know Mr. Dove to be a man of integrity and fairness, and one of the most dedicated and enduring public servants in Washington, D.C. When he discovered his mistake, to his great credit, Mr. Dove did something all-too-rare in this town: he simply acknowledged his error. According to an article by the Associated Press on December 7, 1999, Mr. Dove stated plainly that he had mistakenly referred the bill to the Judiciary Committee, instead of the HELP Committee.

Lord knows I’ve made a few mistakes in my day, so I want to make clear that I harbor nothing but respect for Mr. Dove, and that I do not for one second question his motives. But the mistake made on November 19, 1999, if left uncorrected, threatens unacceptably negative and long-lasting consequences for the future of health care in this nation.

The committee jurisdiction is not a territorial boundary line. According to the Senate Manual, the jurisdiction of the Judiciary Committee includes bankruptcy, mutiny, espionage, counterfeiting, civil liberties, constitutional amendments, federal courts and judges, government information, holidays and celebrations, immigration and naturalization, interstate compacts generally, judicial proceedings, local courts in territories and possessions, measures relating to claims against the United States, national penitentiaries, patent office, patents, trademarks, copyrights, trademarks, protection of trade and commerce against unlawful restraints and monopolies, revision and codification of the statutes of the United States, and state and territorial boundary lines.

The committee jurisdiction is not a close call, in this case. As the Senate’s leading expert on jurisdiction has now demonstrated, this bill is fundamentally an issue of medical practice, which clearly is within the jurisdiction of the HELP Committee.

Congress has heard conflicting messages from respected medical experts on both sides of this debate about whether the “Pain Relief Promotion Act” may, in fact, have a chilling effect on physicians’ pain management, thus actually increasing suffering at the end of life. Under the legislation, federal, state, and local law enforcement could receive training to begin scrutinizing physicians’ end-of-life care. Many believe that the legislation sends the wrong signal to physicians and others caring for those who are dying, noting the disparity between the $80 million allotted for training in palliative care and the $80 million potentially available for law enforcement activities.

In addition, there is considerable concern that this legislation puts into statute perceptions about pain medication that the scientific world has been trying to change. Physicians often believe that the aggressive use of certain pain medications, such as morphine, does not, but within the issue requiring definitive studies show this is not the case. Dr. Kathleen M. Foley, Attending Neurologist in the Pain and Palliative Care Service at Memorial Sloan-Kettering Cancer Center and Professor of Neurology, Neuroscience and Clinical Pharmacology at the Cornell University, had this to say about the Nicks-Hatch legislation, “In short, the underpinnings of this legislation are based on science. It would be unwise to institutionalize the myth into law that pain medications hasten death.”

Renowned medical ethicist, and Director of the Center for Bioethics at the University of Pennsylvania, Arthur L. Caplan, Ph.D., also appeared before the Senate Judiciary Committee on April 25, 2000. He testified that: “Doctors and nurses may not always fully understand what the law permits or requires. As a result, they may be uncertain about what to do. This uncertainty may lead to the withholding of these medications, which seeks to prevent physician assisted suicide, will ultimately impair one of the truly effective options to prevent suffering, and which is swift and effective pain medicine.”

Dr. Foley, who also assisted the Institute of Medicine committee that wrote the report “Approaching Death,” further testified that, “The Pain Relief Promotion Act, by extending the authority of the Controlled Substances Act, will disturb the balance that we have worked so hard to create. Physicians surveys by the New York State Department of Health have shown that a strict regulatory environment negatively impacts physician prescribing practices and leads them to intentionally undertreat patients with pain.
because of concern of regulatory oversight.

The New England Journal of Medicine editorialized against these legislative approaches to overturning Oregon's law out of concern for its impact on pain management, saying: “Many doctors are concerned about the scrutiny they invite when they prescribe or administer controlled substances and they are hypersensitive to ‘drug-seeking behavior’ in patients. Patients, as well as doctors, often have exaggerated fears of addiction and the side effects of narcotics.” Congress could make this bad situation worse.

It is worth noting that many people and organizations with expertise in pain management and palliative care are both opposed to physician assisted suicide and opposed to the Nickles-Hatch bill. There are over thirty organizations representing doctors, pharmacists, nurses, and patients who oppose the legislation, including: American Academy of Family Physicians; American Academy of Hospice and Palliative Medicine, American Academy of Pharmaceutical Physicians; American Geriatrics Society; American Nurses Association; American Pain Society; American Medical Association; American Society for Action on Pain; American Society of Health-System Pharmacists; American Society of Pain Management Nurses; College of Emergency Physicians; Hospice and Palliative Nurses Association; National Foundation for the Treatment of Pain; Oncology Nursing Society; Society of General Internal Medicine; Triumph over Pain Foundation; California Medical Association; Massachusetts Medical Society; North Carolina Medical Society; Oregon Medical Association; Rhode Island Medical Association; San Francisco Medical Society; Indiana State Hospice and Palliative Care Association; Hospice Federation of New England; Kansas Academy of Hospices; Maine Hospice Council; Maine Consortium of Palliative Care and Hospice; Missouri Hospice and Palliative Care Association; New Hampshire State Hospice Organization; New Jersey Hospice and Palliative Care Organization; New York State Hospice Organization; and, Oregon Hospice Association.

Physician-assisted suicide is not a cry for help from people experiencing the final stages of terminal illness. It is a cry for help from people who, in many cases, are experiencing a failure in the health system. And those failures occur across our nation; not just in Oregon. In one study reported in the August 12, 1998, issue of JAMA, over 15 percent of oncologists admitted to participating in physician-assisted suicide or euthanasia. The February 1997 New England Journal of Medicine published a report finding that 50 percent of physicians in San Francisco and AIDS treatment consortium admitted assisting in a suicide at least once. Personally, I am troubled and saddened that so many of our loved ones are so dissatisfied with their end-of-life options that they seek physician-assisted suicide, instead.

Whether or not this Congress decides to overturn Oregon’s law, I believe it is critical that we must do more to retain control of pain management. Many reputable experts believe the “Pain Relief Promotion Act” will cause physicians—far beyond those who seek to work with dying patients. Congress could make this bad situation worse.

I urge my colleagues, regardless of where they stand on the issue of Oregon’s law, to join with me in supporting the restoration of the HELP Act. It would be unconscionable for the Senate to fail to correct an honest mistake that could contribute to a devastatingly significant change in health policy. With so many at stake, shouldn’t we follow the guidelines of the Pain Relief Promotion Act? We could, if we didn’t insist that the Senate’s best qualified health policy experts fully consider the complex policy implications before taking such an extraordinary risk for our constituents, our friends, and our families?

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2067
Be it enacted by the Senate and House of Representives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE. This Act may be cited as the “Pain Relief Promotion Act of 2000”.

SEC. 2. FINDINGS. Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting millions of patients, especially elderly patients; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions;

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

SEC. 101. ACTIVITIES FOR HEALTH RESEARCH AND QUALITY.

Part A of title IX of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

“SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.

“(a) In GENERAL.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

“(1) Promote and advance scientific understanding of pain management and palliative care interventions;

“(2) Collect and disseminate protocols and evidence-based practices regarding pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public;

“(b) DEFINITION.—In this section, the term ‘pain management and palliative care interventions’ means—

“(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

“(2) the evaluation, diagnosis, treatment, and management of primary and secondary symptoms and to enhance the quality of life, not to hasten or postpone death.”

SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 758 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

“SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.

“(a) IN GENERAL.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

“(b) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs that—

“(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out under such award will include information and education on—

“(1) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.
pain even in cases where such efforts may intentionally increase the risk of death; and

(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospice and such other programs or sites as the Secretary determines to be appropriate.

(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) conduct an evaluation of the programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group included involves individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

(g) DEFINITION.—In this section, the term ‘pain management and palliative care’ means—

(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing symptoms and to enhance the quality of life, not to hasten or postpone death.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking ‘‘sections 753, 754, and 756’’ and inserting ‘‘sections 753, 754, 755, and 756’’.

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

SEC. 103. DECADE OF PAIN CONTROL AND RESEARCH.

The calendar decade beginning January 1, 2001, is designated as the ‘‘Decade of Pain Control and Research’’.

SEC. 104. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 833) is amended—

(1) in paragraph (1) for purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—(1) In general.—Section 502(a) of the Controlled Substances Act (21 U.S.C. 824(a)) is amended—

(1) by striking ‘‘sections 753, 754, 755, and 756’’ and inserting ‘‘sections 753, 754, 755, and 756’’; and

(2) by adding at the end the following:

(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsections (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary investigation and enforcement of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the authority of the United States governments in regulating the practice of medicine.”.

SEC. 202. FUNDING AUTHORITY.

Nothing containing any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(c) of the Controlled Substances Act (21 U.S.C. 823(c)), as added by this Act.

SEC. 203. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act.

By Mr. GRASSLEY (for himself and Mr. ROTHI):

S. 2608. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers, to the Committee on Finance.

LEGISLATION REGARDING THE TAXATION OF RURAL LETTER CARREIERS

Mr. GRASSLEY. Mr. President, the U.S. Postal Service provides a vital and important communication link for the Nation and the citizens of my state of Iowa. Rural Letter Carriers play a special role and have a proud history as an important link in assuring the delivery of mail. Rural Letter Carriers deliver the mail with their own horses and buggies, later with their own motorcycles, and now in their own vehicles. They are responsible for maintenance and operation of their vehicles in all types of weather and road conditions. In the winter, snow and ice are their enemy, while in the spring, the melting snow and ice causes potholes and washboard roads. In spite of these quite adverse conditions, rural letter carriers daily drive over 3 million miles and serve 21 million American families on over 66,000 routes. Although the mission of rural carriers has not changed since the horse and buggy days, the amount of mail they deliver has continued to increase throughout the years. The Postal Service is now delivering more than 200 billion pieces of mail a year. The average carrier delivers about 2,300 pieces of mail a day to about 500 addresses. Most recently, e-commerce has changed the type of mail rural carriers deliver. This fact was confirmed in a recent GAO study entitled “U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the Next Century, October 21, 1999. As this report explains, the Postal Service expects declines in its core business, which is essentially letter mail, in the coming years. The growth of e-mail on the Internet, electronic communications, and electronic commerce has the potential to substantially affect the Postal Service’s mail volume. First-Class mail has always been the bread and butter of the Postal Service’s revenue, but the amount of revenue from First-Class letters will decrease in the next few years. However, e-commerce is providing the Postal Service with another opportunity to increase another part of
its business. That’s because what individuals and companies order over the Internet must be delivered, sometimes by the Postal Service and often by rural carriers. Currently, the Postal Service has about 33% percent of the parcel business. Carriers are now delivering larger volumes of business mail, parcels, and priority mail packages. But, more parcel business will mean more cargo capacity will be necessary in postal delivery vehicles, especially in those designed and operated by rural letter carriers.

When delivering greeting cards or bills, or packages ordered over the Internet, Rural Letter Carriers use vehicles they currently purchase, operate and maintain. In exchange, they receive a reimbursement from the Postal Service. This reimbursement is called an Equipment Maintenance Allowance (EMA). Congress recognizes that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a carrier is ready to sell such a vehicle, it’s going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended the EMA allowances from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988. That provision allowed an employee of the U.S. Postal Service who owns the vehicle, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

The Taxpayers Relief Act of 1997 further simplified the tax returns of rural letter carriers. This act permits the EMA income and expenses “to wash,” so that neither income nor expenses would have to be reported on a rural carrier’s return. That simplified the tax returns of rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today, along with Senator Roth, that would reinstate the ability of a rural letter carrier to choose between the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expense deductions, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

By Mr. CRAIG (for himself and Mr. CRAPO): S. 2069. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, fishing, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those acts, and for other purposes; to the Committee on Environment and Public Works.

The WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. CRAIG. Mr. President, I rise today to introduce legislation along with the colleague from Idaho, Senator CRAPO, that will eliminate government waste, conserve wildlife, and provide hunter safety opportunities.

We are all familiar with the Pittman-Robertson and Dingell-Johnson funds. These funds are spent on firearm, archery equipment, and fishing equipment to conserve wildlife and provide funds to states for hunter safety programs. These funds were created decades ago with the support of both the sporting and tax and the states who administer the projects.

The federal government collects the tax, which amounts to around half-a-billion dollars a year, and is authorized to withhold a percentage of the funds for administration of the program. This is how it should be. However, thanks to the thorough oversight of the program by Mr. Young of Alaska, Chairman of the House on Resources, it was uncovered that the U.S. Fish and Wildlife Service, the agency charged with administering the program, abused the vagueness of the law in exactly what constituted an administrative expense.

Under current law, the Service is authorized to withhold approximately $32 million a year to administer the program and, quite frankly, the law leaves it to the Service as to what is an appropriate administrative expense. Mr. Young discovered that the Service was spending this money on expenses that were outside the spirit of the law. These tax dollars paid by hunters and anglers, and a variety of other income, are intended to exempt the EMA allowance for the purchase of larger right-hand drive vehicles. Therefore, Congress recognized that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a carrier is ready to sell such a vehicle, it’s going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended the EMA allowances from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988. That provision allowed an employee of the U.S. Postal Service who owns the vehicle, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

The Taxpayers Relief Act of 1997 further simplified the tax returns of rural letter carriers. This act permits the EMA income and expenses “to wash,” so that neither income nor expenses would have to be reported on a rural carrier’s return. That simplified the tax returns of rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today, along with Senator Roth, that would reinstate the ability of a rural letter carrier to choose between the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expense deductions, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2069. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, fishing, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those acts, and for other purposes; to the Committee on Environment and Public Works.

The WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. CRAIG. Mr. President, I rise today to introduce legislation along with the colleague from Idaho, Senator CRAPO, that will eliminate government waste, conserve wildlife, and provide hunter safety opportunities.

We are all familiar with the Pittman-Robertson and Dingell-Johnson funds. These funds are spent on firearm, archery equipment, and fishing equipment to conserve wildlife and provide funds to states for hunter safety programs. These funds were created decades ago with the support of both the sporting and tax and the states who administer the projects.

The federal government collects the tax, which amounts to around half-a-billion dollars a year, and is authorized to withhold a percentage of the funds for administration of the program. This is how it should be. However, thanks to the thorough oversight of the program by Mr. Young of Alaska, Chairman of the House on Resources, it was uncovered that the U.S. Fish and Wildlife Service, the agency charged with administering the program, abused the vagueness of the law in exactly what constituted an administrative expense.

Under current law, the Service is authorized to withhold approximately $32 million a year to administer the program and, quite frankly, the law leaves it to the Service as to what is an appropriate administrative expense. Mr. Young discovered that the Service was spending this money on expenses that were outside the spirit of the law. These tax dollars paid by hunters and anglers, and a variety of other income, are intended to exempt the EMA allowance for the purchase of larger right-hand drive vehicles. Therefore, Congress recognized that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a carrier is ready to sell such a vehicle, it’s going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended the EMA allowances from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988. That provision allowed an employee of the U.S. Postal Service who owns the vehicle, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

The Taxpayers Relief Act of 1997 further simplified the tax returns of rural letter carriers. This act permits the EMA income and expenses “to wash,” so that neither income nor expenses would have to be reported on a rural carrier’s return. That simplified the tax returns of rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today, along with Senator Roth, that would reinstate the ability of a rural letter carrier to choose between the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expense deductions, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2069. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, fishing, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those acts, and for other purposes; to the Committee on Environment and Public Works.

The WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

Mr. CRAIG. Mr. President, I rise today to introduce legislation along with the colleague from Idaho, Senator CRAPO, that will eliminate government waste, conserve wildlife, and provide hunter safety opportunities.

We are all familiar with the Pittman-Robertson and Dingell-Johnson funds. These funds are spent on firearm, archery equipment, and fishing equipment to conserve wildlife and provide funds to states for hunter safety programs. These funds were created decades ago with the support of both the sporting and tax and the states who administer the projects.

The federal government collects the tax, which amounts to around half-a-billion dollars a year, and is authorized to withhold a percentage of the funds for administration of the program. This is how it should be. However, thanks to the thorough oversight of the program by Mr. Young of Alaska, Chairman of the House on Resources, it was uncovered that the U.S. Fish and Wildlife Service, the agency charged with administering the program, abused the vagueness of the law in exactly what constituted an administrative expense.

Under current law, the Service is authorized to withhold approximately $32 million a year to administer the program and, quite frankly, the law leaves it to the Service as to what is an appropriate administrative expense. Mr. Young discovered that the Service was spending this money on expenses that were outside the spirit of the law. These tax dollars paid by hunters and anglers, and a variety of other income, are intended to exempt the EMA allowance for the purchase of larger right-hand drive vehicles. Therefore, Congress recognized that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a carrier is ready to sell such a vehicle, it’s going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended the EMA allowances from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988. That provision allowed an employee of the U.S. Postal Service who owns the vehicle, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

The Taxpayers Relief Act of 1997 further simplified the tax returns of rural letter carriers. This act permits the EMA income and expenses “to wash,” so that neither income nor expenses would have to be reported on a rural carrier’s return. That simplified the tax returns of rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today, along with Senator Roth, that would reinstate the ability of a rural letter carrier to choose between the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expense deductions, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer’s adjusted gross income.

By Mr. CRAIG (for himself and Mr. CRAPO):
Sport Fish Restoration Programs Improvement Act of 2000 with my colleagues, Senator LARRY CRAIG, to bring accountability back to the U.S. Fish and Wildlife Service’s administration of the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sportfish Restoration Act. For years, the Fish and Wildlife Service has apparently misused millions of dollars from these accounts, betraying the trust of America’s sportsman.

Congress investigations and a General Accounting Office audit of the U.S. Fish and Wildlife Service have revealed that, contrary to existing law, money has been routinely diverted to administrative slush funds, withheld from states, and generally misused for purposes unrelated to either sportfishing or wildlife conservation. In addition, the GAO called the Division of Federal Aid, “if not the worst, one of the worst-managed programs we have encountered.” As an avid outdoorsman, I am particularly disturbed by this abuse.

Since 1937, sportsman have willingly paid excise taxes on hunting, fishing, firearm, and ammunition purchases to support the conservation of state fish and wildlife conservation programs. This partnership between sportsmen and the U.S. Fish and Wildlife Service is supposed to directly support sportfishing, such as hunting, fishing, and wildlife management research, hunter education, and public target ranges. Funds for the Pittman-Robertson Act are derived from an 11 percent excise tax on fishing equipment, a 10 percent tax on motorboat fuels, and import duties on firearms and ammunition, which is then administered by the Fish and Wildlife Service. Through their mismanagement, the Fish and Wildlife Service has proven itself to be a negligent steward of the public trust.

The Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 would restore accountability to the administration of Federal Aid funds. By limiting the amount of revenue that may be used on administration, and the accounts that these funds may be used for, this bill will reign in the opportunities for misuse by the Fish and Wildlife Service. Our legislation will also make legal a multi-state conservation grant program to allow streamlined funding for projects that involve multiple states. Additionally, the bill will increase funding for firearm and bow hunter safety programs.

One of the worst-managed programs we have ever encountered is the Federal Aid to Sport Fish Restoration Program, commonly known as the Pittman-Robertson Act, which funds wildlife habitat restoration and improvement, wildlife management research, hunter education, and public target ranges. Funds for the Pittman-Robertson Act are derived from an 11 percent excise tax on sporting arms, ammunition, and archery equipment, and a 10 percent tax on handguns.

The Dingell-Johnson and Wallop-Breaux Acts, funded through a 10 percent excise tax on fishing equipment and a 3 percent tax on electric trolling motors, sonar fish finders, taxes on motorboat fuels, and import duties on fishing and pleasure boats. Through the cost reimbursement program, states use these funds to enhance sport fishing. These enhancements include through fish stocking, acquisition and improvement of habitat educational programs, and development of recreational facilities that directly support sport fishing, such as boat ramps and fishing piers.

Unfortunately, these funds have been misdirected and misused by the Fish and Wildlife Service. Through their investment in the Federal Aid program, America’s hunters and fisherman have proved themselves to be our nation’s true conservationists. Through its misuse of these funds, the Fish and Wildlife Service has proven itself to be a negligent steward of the public trust.

The Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 would restore accountability to the administration of Federal Aid funds. By limiting the amount of revenue that may be used on administration, and the accounts that these funds may be used for, this bill will reign in the opportunities for misuse by the Fish and Wildlife Service. Our legislation will also make legal a multi-state conservation grant program to allow streamlined funding for projects that involve multiple states. Additionally, the bill will increase funding for firearm and bow hunter safety programs.

This bill seeks to re-establish a trust between the hunters and anglers who pay the excise taxes and the federal government. It gives us the opportunity to repair a system that has been lauded as one of the nation’s most successful conservation efforts. I hope my colleagues will join with us in a bipartisan effort to restore accountability and responsibility to the Federal Aid programs and the Fish and Wildlife Service.

By Mr. HARKIN (for himself, Mr. THOMAS, Mr. CRAIG, and Mr. FEINGOLD):

S. 2610. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas, to the Committee on Finance.

THE MEDICARE FAIRNESS IN REIMBURSEMENT ACT OF 2000

Mr. HARKIN. Mr. President, I am pleased to be joined today by my colleagues, Senator THOMAS, Senator CRAIG and Senator FEINGOLD, to introduce the “Medicare Fairness in Reimbursement Act of 2000.” This legislation addresses the terrible unfairness that exists today in Medicare payment policy.

According to the latest Medicare figures, Medicare payments per beneficiary by state of residence ranged from slightly more than $3000 to well in excess of $7000. In Iowa and Iowa’s Medicare payment was $3456, nearly a third less than the national average of $5,034. In Wyoming, the situation is worse, with an average payment of approximately $3290. This payment inequity is unfair to seniors in Iowa and Wyoming, and it is unfair to rural beneficiaries everywhere. The citizens of my home state pay the same Medicare payroll taxes required of every American taxpayer. Yet they get dramatically less in return.

Ironically, rural citizens are not penalized by the Medicare program because they practice inefficient, high cost medicine. The opposite is true. The low payment rates received in rural areas are in large part a result of their historic consistent practice of care. In the early 1980’s rural states’ lower-than-average costs were justified using studies, and Medicare’s payment policies since that time have only widened the gap between low- and high-cost states.

Mr. President, late last year I wrote to the Health Care Financing Administration (HCFA) and I asked them a simple question. I asked their actuaries to estimate for me the impact on Medicare’s Trust Funds, which at that time were scheduled to go bankrupt in 2015, if average Medicare payments to all states were the same as Iowa’s.

I’ve always thought Iowa’s reimbursement level was low. But HCFA’s answer surprised me even more. The actuaries found that if all states were reimbursed at the same rate as Iowa, Medicare’s Trust Funds would not be solvent for the next 60 years, 60 years beyond their projections.

I’m not suggesting that all states should be brought down to Iowa’s level. But there is no question that the long-term solvency of the Medicare program is a serious national concern. And as Congress considers ways to strengthen and modernize the Medicare program, the issue of unfair payment rates needs to be on the table.

The bill we are introducing today, the Medicare Fairness in Reimbursement Act of 2000” sends a clear signal. These historic wrongs must be righted. Before any Medicare reform bill passes Congress, I intend to make sure that rural beneficiaries are guaranteed access to the same quality health care services of their urban counterparts.

Mr. President, our legislation does the following:

Requires HCFA to improve the fairness of payments under the original fee-for-service system by adjusting payments for items and services so that no state is greater than 105% above the national average, and no state is below 95% of the national average. An estimated 30 states would benefit under these adjustments, based on 1998 data from the Ways and Means Green Book.

Requires improvements in the collection and use of hospital wage data by occupational category. Experts agree the current system of collecting hospital data “lowballs” the payment received by rural hospitals. Large urban hospitals are overcompensated today because they have a much higher number of highly-paid specialists and sub-specialists on their staff, while small rural hospitals tend to have more generalists, who aren’t as highly paid.

Ensures that beneficiaries are held harmless in both payments and services.

Ensures budget neutrality.

Automatically results in adjustment of Medicare managed care payments to reflect increased equity between rural and urban areas.
This legislation simply ensures basic fairness in our Medicare payment policy. I urge my Senate colleagues, no matter what state you’re from, to consider our bill and join us in supporting this common sense Medicare reform. Thank you.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2610

Amended by adding at the end the following new sections:

AMOUNT.—Each year (beginning in 2000), the amount for such subsequent year.

AMOUNT.—Each year (beginning in 2001) of the national average per beneficiary amount for each State which resides in the State.

b. PERCENTAGE.—In the case of payment made in 2000 and subsequent years as beneficiaries residing in urban states. The current Medicare payment system does not reflect the economic contributions made by all seniors.

The other section of this legislation requires the Secretary to make adjustments to the hospital wage index under the prospective payment system after developing and implementing improved methods for collecting the necessary information for making the revisions described in subsection (a).

Mr. President, I understand that there are some legitimate cost differences among states in providing health care services to our seniors, but I do not believe there is justification for an inequity of this size. Seniors in Wisconsin and other rural states have paid the same Medicare tax over the years as beneficiaries residing in urban states. However, the current Medicare payment system does not reflect the economic contributions made by all seniors.

By Mr. LEVIN:

S. 2611. A bill to provide trade adjustment assistance for certain workers; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE LEGISLATION

Mr. LEVIN. Mr. President, I rise today to introduce a bill that will close a loop hole in the Trade Adjustment Assistance program for employees of the Copper Range Company, formerly the White Pine Company, a copper mine in White Pine, Michigan. My legislation will extend TAA benefits to those employees who were responsible for performing the environmental remediation that was required to close the facility.

My legislation is needed because these employees were unfairly excluded from the TAA certification that applied to other workers at the facility simply because the service they provide, environmental remediation, does not specifically address the production of the article that the mine produced: copper. My legislation simply extends TAA coverage to those few workers.
who remained at the facility with responsibility for the environmental remediation necessary to close the facility.

The Copper Range Company received NAFTA-TAA certification in 1995 when it began closing down. The company was still in the process of closing down in 1997 and received re-certification at that time. As of the end of 1999, there were still workers at the plant engaged in the final stages of closing down. Their work consisted of environmental remediation. When the plant applied for re-certification in September for purposes of covering these workers, the Department of Labor (DoL) denied the request because DoL said that the remaining workers were not performing a job ending because of transplant to another NAFTA country; they were performing environmental remediation, not production of copper.

Mr. President, this is an unfair catch-22 situation that must be rectified legislatively. The legislation I am introducing today would provide those few employees involved in the final stages of closing down the mine with the same TAA benefits their co-workers received. The total number of workers involved is small and my legislative fix is straightforward. I hope this legislation can be adopted quickly so that these Michigan workers who have fallen through the cracks can access the TAA benefits they rightfully deserve.

I ask unanimous consent that the bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2611

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

**SECTION 1. TRADE ADJUSTMENT ASSISTANCE.**

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY:

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA-W-31,402; and

(B) was necessary for the environmental remediation or closure of a copper mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2611 is to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

**THE ECSTASY ANTI-PROLIFERATION ACT OF 2000**

- **Mr. GRAHAM.** Mr. President, I rise today, along with my colleagues, to introduce the Ecstasy Anti-Proliferation Act of 2000—legislation to combat the recent rise in trafficking, distribution, and abuse of MDMA, a drug commonly known as Ecstasy.

The Office of National Drug Control Policy's Year 2000 Annual Report on the National Drug Control Strategy clearly states that the use of Ecstasy is on the rise in the United States, particularly among teenagers and young professionals. My state of Florida has been particularly hard hit by this plague. Ecstasy is customarily sold and consumed at "raves," which are semi-clandestine, all-night parties and concerts. Young Americans are lulled into a belief that Ecstasy, and other designer drugs are "safe." ways to get high, escape reality, and enhance intimacy in personal relationships. The drug traffickers make their living off of perpetuating and exploiting this myth.

Mr. President, I want to be perfectly clear in stating that Ecstasy is an extremely dangerous drug. In my state alone, 189 deaths have been attributed to this drug in the last three years. In 33 of those deaths, Ecstasy was the most prevalent drug, of several, in the individual's system. Seven deaths were caused by Ecstasy alone. In the first four months of this year seven human deaths were directly attributed to Ecstasy. This drug is a definite killer.

Numerous data also reflect the increasing availability of Ecstasy in metropolitan centers and suburban communities. In a speech to the Federal Law Enforcement Foundation earlier this year, Customs Commissioner Raymond Kelly stated that in the first few months of fiscal year 2000, the Customs Service had already seized over four million Ecstasy capsules that the number would grow to at least eight million tablets by the end of the year which represents a substantial increase from the 500,000 tablets seized in fiscal year 1997.

The lucrative nature of Ecstasy encourages its importation. Production costs are as low as two to twenty-five cents per dose while retail prices in the U.S. range from twenty dollars to forty-five dollars per dose. Manufactured in nations such as The Netherlands, Belgium, and Spain where pill presses are not controlled as they are in the U.S.—Ecstasy has erased all of the old routes law enforcement has mapped out for the smuggling of traditional drugs. Under current judicial sentencing guidelines, one gram of Ecstasy is equivalent to only 35 grams of marijuana. In contrast, one gram of methamphetamine is equivalent to two kilograms of marijuana. This results in relatively short periods of incarceration for individuals sentenced for Ecstasy-related crimes. When the potential profitability of this drug is compared to the potential punishment, it is easy to see what makes Ecstasy extremely attractive to professional smugglers.

Mr. President, the Ecstasy Anti-Proliferation Act of 2000 addresses this growing and disturbing problem. First, the bill increases the base level offense by making Ecstasy a Schedule I drug by sending a message to Federal prosecutors that this drug is a serious threat.

Second, by addressing law enforcement and community education programs, this bill will provide for an Ecstasy information campaign. Through this campaign, our hope is that Ecstasy will soon go the way of crack, which saw a dramatic reduction in the quantities present on our streets after information of its unpredictable impurities and side effects were made known to a wide audience. By using this educational effort we hope to avoid future deaths like the one columnist Jack Newfield wrote about in saddening detail.

It involved an 18-year-old who died after taking Ecstasy in a club where the drug sold for $25 a tablet and water for $5 a bottle. Newfield speaks of how the boy tried to suck water from the club's bathroom tap that had been turned off so that those with drug induced thirst would be forced to buy the bottled water.

Mr. President, the Ecstasy Anti-Proliferation Act of 2000 can only help in our fight against drug abuse in the United States. We urge our colleagues in the Senate to join us in this important effort by cosponsoring this bill.

- **Mr. GRASSLEY.** Mr. President, I am pleased to be joining my colleague, Senator GRAHAM, to co-sponsor the Ecstasy Anti-Proliferation Act of 2000. This legislation is vital for the safety of our children and our nation. Around the country, Ecstasy use is exploding at an alarming rate from our big cities to our rural neighborhoods. According to Customs officials, Ecstasy is spreading faster than any drug since crack cocaine. This explosion of Ecstasy smuggling has prompted Customs to create a special task force, that focuses exclusively on the designer drug.

Along with my colleague Senator GRAHAM, I believe it is important that we act to stop the spread of this drug. I join with Senator GRAHAM in urging our colleagues to support the Ecstasy Anti-Proliferation Act of 2000, and pass this measure quickly. By enacting this important bill, we will get drug dealers out of the lives of our young people and alert the public to the dangers of Ecstasy.

Mr. BIDEN. Mr. President, there is a new drug on the scene—Ecstasy, a synthetic stimulant and hallucinogen. It belongs to a group of drugs referred to as designer drugs and belongs to a group of drugs referred to as...
as “club drugs” because they are associated with all-night dance parties known as “raves.”

There is a widespread misconception that Ecstasy is not a dangerous drug—that it is “no big deal.” I am here to tell you that Ecstasy is a very big deal. The drug depletes the brain of serotonin, the chemical responsible for mood, thought, and memory. Studies show that Ecstasy use can reduce serotonin levels by up to 90 percent for at least two weeks after use and can cause brain damage.

If that isn’t a big deal, I don’t know what is.

A few months ago we got a significant warning sign that Ecstasy use is becoming a real problem. The University of Michigan’s Monitoring the Future survey, a national survey measuring drug use among students, reported that while overall levels of drug use had not increased, past month use of Ecstasy among high school seniors increased 60 percent.

The survey showed that nearly six percent of high school seniors have used Ecstasy in the past year. This may sound like a small number, so let me put it in perspective—it is just slightly less than the percentage of seniors who used cocaine and it is five times the number of seniors who used heroin.

And with the supply of Ecstasy increasing as rapidly as it is, the number of kids using this drug is only likely to increase. By April of this year, the Customs Service had already seized 4 million Ecstasy pills—greater than the total amount seized in all of 1999 and more than five times the amount seized in all of 1999.

Though New York is the East Coast hub for this drug, it is spreading quickly throughout the country. Last July, in my home state of Delaware, law enforcement officials seized 900 Ecstasy pills in Rehoboth Beach. There are also reports of an Ecstasy problem in New York among students at the University of Delaware.

We need to address this problem now, before it gets any worse. That is why I am pleased to join Senators Graham, Grassley and Thomas to introduce the “Ecstasy Anti-Proliferation Act” today. The legislation takes the steps—both in terms of law enforcement and prevention—to address this problem in a serious way before it gets any worse.

The legislation directs the federal Sentencing Commission to increase the recommended penalties for manufacturing, importing, exporting or trafficking Ecstasy. Though Ecstasy is a Schedule I drug—and therefore subject to the most stringent federal penalties—not all Schedule I drugs are treated the same in our sentencing guidelines. For example, selling a kilogram of marijuana is not as serious an offense as selling a kilogram of heroin. The sentencing guidelines differentiate between the severity of drugs—as they should.

But the current sentencing guidelines do not recognize how dangerous Ecstasy really is. Under current federal sentencing guidelines, one gram of Ecstasy is treated like 35 grams of marijuana. Under the “Ecstasy Anti-Proliferation Act,” the same quantity would be treated like 2 kilograms of marijuana. This would make the penalties for Ecstasy similar to those for methamphetamine.

The legislation also authorizes a major prevention campaign in schools, communities and over the airwaves to make sure that everyone—kids, adults, parents, teachers, cops, clergy, etc.—know just how dangerous this drug really is. We need to dispel the myth that Ecstasy is not a dangerous drug because, as I stated earlier, this is a substance that can cause brain damage and can even result in death. We need to spread the message so that kids know the risk involved with taking Ecstasy, what it can do to their bodies, their brains, their futures. Adults also need to be taught about this drug—what it looks like, what someone high on Ecstasy looks like, and what to do if they discover that someone they know is using it.

Mr. President, I have come to the floor of the United States Senate on numerous occasions to state what I view as the most effective way to prevent a drug epidemic. My philosophy is simple: the best time to crack down on a drug is with uncompromising enforcement pressure is before the abuse of the drug has become rampant. The advantages of doing so are clear—there are fewer pushers trafficking in the drug and, most important, fewer lives and fewer families will have suffered from the abuse of the drug.

It is clear that Ecstasy use is on the rise. Now is the time to act before Ecstasy use becomes our next drug epidemic. I urge my colleagues to join me in promoting legislation and passing it quickly so that we can address the escalating problem of Ecstasy use before it gets any worse.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2614. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment on certain manufacturing equipment; to suspend the duty on certain equipment used in the manufacturing industry.

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties imposed on certain manufacturing equipment that is necessary for tire production. Currently, this equipment is imported for use in the United States because there are no known American producers. Therefore, suspending the duties on this equipment would not adversely affect domestic producers, and will allow the United States to provide for duty-free treatment on certain manufacturing equipment.

This bill would temporarily suspend the duty on tire manufacturing equipment required to make certain large off-road tires that fall between the sizes currently fabricated in the United States. These tires would be used primarily in agriculture.

Mr. President, suspending the duty on this manufacturing equipment will benefit the consumer by stabilizing the costs of manufacturing tires and treads. In addition to permitting new production in this country, these duty suspensions will allow U.S. manufacturers to maintain or improve their ability to compete internationally. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2614

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

SECTION 1. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.

(a) In General.—Subheadings 9902.84.79, 9902.84.83, 9902.84.85, 9902.84.87, and 9902.84.91 of the Harmonized Tariff Schedule of the United States are each amended—

(1) by inserting “4011.91.50” each place it appears and inserting “4011.99.40”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2615. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE BOOK STAMP ACT

Mr. KENNEDY. Mr. President, literacy is the foundation of learning, but too many Americans today are not able to read a single sentence. Nearly 40 percent of the nation’s children are unable to read at grade-level by the end of the third grade. In communities with high concentrations of at-risk children, the failure rate is an astonishing 60 percent. As a result, their entire education is likely to be derailed.

In the battle against literacy, it is not enough to reach out more effectively to school-aged children. We must start earlier—and reach children before they reach school. Pediatricians like Dr. Barry Zuckerman at the Boston Medical Center have been telling us for years that reading to children from birth through school age is a medical issue that should be raised at every well child visit, since a child’s brain needs this kind of stimulation to grow to its full potential. Reading to young children in the years before age 5 has a profound effect on their ability...
to learn to read. But too often the problem is that young children do not have access to books appropriate to their age. A recent study found that 60 percent of the kindergarten children who performed poorly in school did not own a single book.

The Book Stamp Act that Senator HUTCHISON and I are introducing today is a step to cure that problem. Our goal is to see that all children in this country have books of their own before they enter school.

Regardless of culture or wealth, one of the most important factors in the development of literacy is home access to books. Students from homes with an abundance of reading materials are substantially better readers than those with few or no reading materials available.

But it is not enough to just dump a book into a family’s home. Since young children who feature an early learn, we must make sure that an adult is available who interacts with the child and will read to the child.

In this day of two-parent working families, young children spend substantial amounts of time in child care and family care facilities, which provide realistic opportunities for promoting literacy. Progress is already being made on this approach. Child Care READS!, for example, is a national communications campaign aimed at raising the awareness of the importance of reading in child care settings.

The Book Stamp Act will make books available to children and parents through the numerous child care and early childhood education programs.

The act authorizes an appropriation of $50 million a year for this purpose. It also creates a special postage stamp, similar to the Breast Cancer Stamp, which will feature an early learn character, and will sell at a slightly higher rate than the normal 33 cents, with the additional revenues designated for the Book Stamp Program.

The resources will be distributed through the Child Care and Development Block Grant to the state child care agency in each state. The state agency will then allocate its funds to local child care resource and referral agencies throughout the state on the basis of need.

There are 610 such agencies in the country, with at least one in every state. These non-profit agencies, offer referral services for parents seeking child care, and also provide training for child care workers. The agencies will work with established book distribution programs such as First Book, Reading is Fundamental, and Reach Out and Read to coordinate the buying of duplicate books and the distribution of the books to children.

Also, to help parents and child care providers become well informed about the best ways to read to children and the most effective use of books with children at various stages of development, the agencies will provide training and technical assistance on these issues.

Our goal is to work closely with parents, children, child care providers and publishers to put at least one book in the hands of every needy child in America. Together, we can make significant progress in early childhood literacy, and I believe we can make it quickly.

We know what works to combat illiteracy. We owe it to the nation’s children and the nation’s future to do all we can to win this battle.

Mr. President, I ask unanimous consent that the full text of the bill and the accompanying letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2615
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the “Book Stamp Act”.

SEC. 2. FINDINGS. Congress finds the following:

(1) Literacy is fundamental to all learning.

(2) Between 60 percent of the Nation’s children do not read at grade level, particularly children in families or school districts that are challenged by significant financial or social instability.

(3) Increased investments in child literacy are needed to improve opportunities for children and the efficacy of the Nation’s education investments.

(4) Increasing access to books in the home is an important means of improving child literacy, which can be accomplished nationally at modest cost.

(5) Effective channels for book distribution already exist through child care providers.

SEC. 3. DEFINITION. In this Act:

(1) EARLY LEARNING PROGRAM.—The term “early learning”, used with respect to a program, means a program of activities designed to nurture development of cognitive, language, motor, and social-emotional skills in children under age 6 as a means of enabling the children to enter school ready to learn, such as a Head Start program or Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), or a State pre-kindergarten program.

(2) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(3) STATE.—The term “State” means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) STATE AGENCY.—The term “State agency” means an agency designated under section 636D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9865b), or the Commonwealth of the Northern Mariana Islands.

(5) EFFECTIVE CHANNELS.—The term “effective channels” means an agency designated under section 636D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9865b).

SEC. 4. GRANTS TO STATE AGENCIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to promote child literacy and improve children’s access to books at home and in early learning and other child care programs, by making books available through early learning and other child care programs.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall make grants to State agencies from allotments determined under paragraph (2).

(2) ALLOTMENTS.—For each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the total of the available funds for the fiscal year as the amount the State receives under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9865m(b)) for the fiscal year bears to the total amount received by States under that section for the fiscal year.

(c) APPLICATIONS.—To be eligible to receive an allotment under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) ACCOUNTABILITY.—The provisions of sections 658(b) and 658K(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9865b(g), 9865b(l)) shall apply to States receiving grants under this Act, except that references in those sections—

(1) to a subchapter shall be considered to be references to this Act; and

(2) to a plan or application shall be considered to be references to an application submitted under subsection (c).

(e) DEFINITION.—In this section, the term “eligible funds”, used with respect to a fiscal year, means the total of—

(1) the funds made available under section 416(a)(1) of title 39, United States Code for the fiscal year;

(2) the amounts appropriated under section 9 for the fiscal year.

SEC. 5. CONTRACTS TO CHILD CARE RESOURCE AND REFERRAL AGENCIES.

A State agency that receives a grant under section 4 shall use funds made available through the grant to enter into contracts with local child care resource and referral agencies to carry out the activities described in section 6. The State agency may reserve not more than 3 percent of the funds made available through the grant to support a public awareness campaign relating to the activities.

SEC. 6. USE OF FUNDS.

(a) ACTIVITIES.—

(1) BOOK PAYMENTS FOR ELIGIBLE PROVIDERS.—A child care resource and referral agency that receives a contract under section 5 shall use funds made available through the grant to provide payments for eligible early learning program and other child care providers, on the basis of local need, to enable the providers to carry out the activities described in section 6. The State agency may reserve not more than 3 percent of the funds made available through the grant to support a public awareness campaign relating to the activities.

(2) ELIGIBLE PROVIDERS.—To be eligible to receive a payment under paragraph (1), a provider shall—

(1) be a center-based child care provider, a group home child care provider, or a family child care provider, described in section 658P(5)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9855m(5)(A)); or

(2) be a Head Start agency designated under section 641 of the Head Start Act (42 U.S.C. 9801 et seq.), or a State pre-kindergarten program.

(b) PROVIDE SERVICES.—A child care resource and referral agency that receives a contract under section 5 to provide payments to eligible providers shall—

(1) consult with local individuals and organizations concerned with early literacy (including parents and organizations carrying out the Reach Out and Read, First Book, and...
The book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the same terms as are customarily available in the book industry to entities carrying out the
of Young Children (NAEYC), representing over 100,000 individuals dedicated to excellence in early childhood education, commends you for your leadership in promoting early childhood literacy through the Stamps legislation you will introduce today.

Learning to read and write is critical to a child’s success in school and later in life. One of the best predictors of whether a child will function competently in school and go on to contribute actively in our increasingly literate society is the level to which the child progresses in reading and writing. Although reading and writing abilities continue to develop throughout the life span, the early childhood years—from birth through age eight—are among the most important period for literacy development. It is for this reason that the International Reading Association (IRA) and NAEYC joined together to formulate a position statement regarding early literacy development.

We are pleased that this bipartisan legislation will expand young children’s access to books and support parent involvement in early literacy. By making books more affordable and accessible to young children in Head Start, in child care settings, and in their homes, we can help them not only to learn to read and write, but also foster and sustain their interest in reading for their own enjoyment, information, and communication.

Sincerely,
ADELE ROBINSON,
Director of Policy Development.


Dear Senator: Reading Is Fundamental’s Board of Directors and staff urge you to support the passage of the Kennedy-Hutchison Book Stamp Act to help bridge the literacy gap for the nation’s youngest and most at-risk children.

Educators, researchers and practitioners in the literacy arena have increasing focused on the 0–5 age range as the key to helping the nation’s neediest children enter school ready to read and learn. We know that focus and attention will give them a far better chance at succeeding in life than many of their parents and older siblings had.

At RIF, we have increased our focus on providing books and literacy enhancing programs and services in recent years and we are actively working to expand our reach and partnerships with the childcare community. We have launched a pilot program to create effective training system, called Care for Caregivers, to help childcare providers and other early childhood caregivers. That program is now ready to help these caregivers provide appropriate environmental and literacy enhancing experiences for children. We are anxious to engage with NACCRCA in working out ways to link this training with the Book Stamp Act initiative and share RIF’s resources to help make this program effective.

RIF now provides books and essential literacy services to nearly 1,000,000 children and we know the need is critical for significant infusions of books and services to help reduce illiteracy among this at-risk population. We urge your strong support.

Yours truly,
RICHARD E. SILLS,
Senior VP and Chief Operating Officer.

ADDITIONAL COSPONSORS

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ‘‘Washington’s Birthday’’ as ‘‘Presidents’ Day’’ in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 1138

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

S. 1156

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1196

At the request of Mr. STEVENS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1331

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1475

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1475, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1497

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1488

At the request of Mr. Gorton, the name of the Senator from Montana (Mr. REED) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1738

At the request of Mrs. COVERDELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cash share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1795

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1800, a bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1860, a bill to amend the Food Stamp Act of 1977 to improve on-site inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1880

At the request of Mrs. MURRAY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans’ claims and appellate procedures.

S. 1810

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1874

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LÄUTENBERG) was added as a cosponsor of S. 1880, a bill to amend the
At the request of Mr. Lautenberg, the name of the Senator from Nebraska (Mr. Kerrey) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

At the request of Mr. Bond, the name of the Senator from Illinois (Mr. Fitzgerald) was added as a cosponsor of S. 1945, a bill to amend title 25, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable energy projects eligible under that program, and for other purposes.

At the request of Mr. Kohl, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

At the request of Mrs. Hutchison, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from California (Mrs. Boxer) were added as co-sponsors of S. 2018, a bill to amend Title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program.

At the request of Mr. Frist, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

At the request of Mr. Gregg, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

At the request of Mr. Gregg, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

At the request of Mr. Edwards, the name of the Senator from Michigan (Mr. Abraham) was added as a cosponsor of S. 2100, a bill to provide for fire springer conserves in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

At the request of Mr. Bingaman, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide for future funding of the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, fish and wildlife conservation programs, and youth conservation corps; and for other purposes.

At the request of Mr. Biden, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 2256, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

At the request of Mr. L. Chafee, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 2227, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

At the request of Mr. Jeffords, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 2298, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the Medicare program.

At the request of Mr. Dorgan, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

At the request of Mr. Moynihan, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 2308, a bill to amend Title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

At the request of Mr. Jeffords, the name of the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 2311, supra.

At the request of Mr. Kennedy, the names of the Senator from Florida (Mr. Graham) and the Senator from Hawaii (Mr. Akaka) were added as cosponsors of S. 2321, a bill to amend and extend the Ryan White CARE Act to reauthorize programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

At the request of Mr. Rockefeller, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2221, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

At the request of Mr. Roth, the names of the Senator from Utah (Mr. Bennett), the Senator from Louisiana (Ms. Landrieu) and the Senator from Tennessee (Mr. Thompson) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

At the request of Mr. Schumer, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 2338, a bill to enhance the enforcement of gun violence laws.

At the request of Mr. Reid, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans’ disability compensation.

At the request of Ms. Collins, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

At the request of Mr. Durbin, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

At the request of Mr. Bingaman, the names of the Senator from California (Mrs. Boxer), the Senator from Massachusetts (Mr. Kerry), the Senator from
Washington (Mr. Gorton), the Senator from Delaware (Mr. Biden), and the Senator from Kansas (Mr. Roberts) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2417

At the request of Mr. Craig, the names of the Senator from Arizona (Mr. Kyl), the Senator from Montana (Mr. Burns) and the Senator from Maine (Mr. Sasse) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2419

At the request of Mr. Johnson, the names of the Senator from Illinois (Mr. Durbin) and the Senator from North Dakota (Mr. Conrad) were added as cosponsors of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2420

At the request of Mr. Grassley, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2427

At the request of Mr. Grassley, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 2427, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields.

S. 2449

At the request of Mr. Coverdell, the names of the Senator from Kansas (Mr. Brownback), the Senator from Georgia (Mr. Cleland), and the Senator from Tennessee (Mr. Thompson) were added as cosponsors of S. 2449, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2465

At the request of Mr. Wellstone, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 2465, a bill to amend the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where United States consumers pay higher prices for the products of that research than consumers in certain other countries.

S. 2516

At the request of Mr. Thurmond, the names of the Senator from North Carolina (Mr. Helms) and the Senator from Ohio (Mr. Voinovich) were added as cosponsors of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2554

At the request of Mr. Gregg, the name of the Senator from Alabama (Mr. Shelby) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2596

At the request of Mrs. Hutchinson, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system.

S. 2599

At the request of Mr. Abraham, the name of the Senator from New York (Mr. Moynihan) was added as a cosponsor of S. 2599, a bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

S. CON. RES. 53

At the request of Mrs. Feinstein, the names of the Senator from Michigan (Mr. Levin), the Senator from Minnesota (Mr. Grams), and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

S. CON. RES. 111

At the request of Mrs. Nickles, the names of the Senator from Illinois (Mr. Durbin) and the Senator from Nebraska (Mr. Kerrey) were added as cosponsors of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. CON. RES. 133

At the request of Mr. Moynihan, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. Con. Res. 133, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. RES. 296

At the request of Mr. Graham, the names of the Senator from New Mexico (Mr. Domenici) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. Res. 296, a resolution designating the first Sunday in June of each calendar year as “National Child’s Day.”

SENATE CONCURRENT RESOLUTION 114—RECOGNIZING THE LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS A NATIONAL WORLD WAR I SYMBOL HONORING THOSE WHO DEFENDED LIBERTY AND OUR COUNTRY THROUGH SERVICE IN WORLD WAR I

Mr. Bond (for himself, Mr. Ashcroft, and Mr. Roberts) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 114

Whereas over 40 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any other campaign in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 21-foot Memorial Tower topped with 4 stone “Guardian Spirits” representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I;

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance; Now, therefore, be it

RESOLVED by the Senate and House of Representatives concurring, That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I;

RESOLVED, That Mr. Bond, Mr. President, today I come to the floor to submit a resolution recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol. I am pleased that Senator Ashcroft and Senator Roberts are joining me as original cosponsors.

In fighting in the trenches in Europe, America’s sons and daughters defended liberty and our country through service in World War One. We want to ensure that the sacrifices they made are
not forgotten. The Liberty Memorial serves as a long-standing tribute to their accomplishments.

More than 4 million Americans served in World War One, however, the Liberty Memorial is the only major memorial and museum honoring their courage and loyalty. It is important to me that these men and women have an approved symbol; they deserve to be recognized and honored. The Liberty Memorial serves as a constant reminder of the patriotism and sacrifice that the War evoked, both to the people of Kansas City, and across the country.

In 1919, Kansas Citians expressed an unprecedented outpouring of support, raising $25 million in a matter of weeks. Three years later the five Allied military leaders met in Kansas City, marking the only time in history all five leaders came together at one place. The leaders from Belgium, Italy, France, Russia, and the United States looked on, as the site for the Liberty Memorial was dedicated. Since that historic occasion, many other great world leaders have addressed the public at the Liberty Memorial including: Presidents Calvin Coolidge, Harry S Truman, Dwight D. Eisenhower, and William Howard Taft.

The Liberty Memorial opened to the public in 1926. It is an amazing structure; the impressive size and design puts it in a class with monuments here on the National Mall. The Memorial Tower is 217-feet-tall. The four Guardian Spirits: Honor, Courage, Patriotism, and Wisdom, circle the top of the tower. This is a great, inspirational work of art that serves as an outstanding tribute to America’s sons and daughters of World War I.

In addition to the Memorial Tower, there is a Liberty Memorial Museum located within the complex. This museum relates and encourages a better understanding of the sacrifices and progress made during World War I. While the Memorial undergoes a major renovation project, the museum is currently closed to the public. Upon its reopening, visitors from around the world can come to Kansas City to view the finest collection of World War I memorabilia in the United States. These fascinating displays are arranged to give visitors insight into America’s role in the First World War.

The Memorial’s history, consistent local support and its location in the Heart of America, makes the Liberty Memorial an ideal national tribute to all Americans who fought in World War One. I am proud to have such a distinguished Memorial in my home state of Missouri.

Mr. President, I urge the Senate to pass this resolution in a timely fashion so that we can properly honor the veterans of World War One with a national monument, and recognize the significance of the Liberty Memorial.

SENATE CONCURRENT RESOLUTION 115—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF CHIEF WASHAKIE, PRESENTED BY THE PEOPLE OF WYOMING, FOR PLACEMENT IN NATIONAL STATUARY HALL, AND FOR OTHER PURPOSES

Mr. THOMAS (for himself and Mr. ENZI) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 115

Whereas Chief Washakie was a recognized leader of the Eastern Shoshone Tribe; Whereas Chief Washakie contributed to the settlement of the west by allowing the Oregon and Mormon Trails to pass through Shoshone lands; Whereas Chief Washakie, with his foresight and wisdom, chose the path of peace for his people; Whereas Chief Washakie was a great leader who chose his alliances with other tribes and the United States Government thoughtfully; and Whereas in recognition of his alliance and long service to the United States Government, Chief Washakie was the only chief to be awarded a full military funeral: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring):

SECTION 1. ACCEPTANCE OF STATUE OF CHIEF WASHAKIE FROM THE PEOPLE OF WYOMING FOR PLACEMENT IN NATIONAL STATUARY HALL.

(a) In General.—The statue of Chief Washakie, furnished by the people of Wyoming for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Wyoming for providing this commemoration of one of Wyoming’s most eminent personages.

(b) Presentation Ceremony.—The State of Wyoming is authorized to use the rotunda of the Capitol on September 7, 2000, at 11:00 a.m., for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such actions as may be necessary with respect to physical preparations and security for the ceremony.

(c) Display in Rotunda.—The statue shall be displayed in the rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in National Statuary Hall.

SEC. 2. TRANSCRIPT OF PROCEEDINGS.

(a) In General.—The transcript of proceedings of the ceremony held under section 1 shall be printed in the form of a presentation of the Joint Committee on the Library, as a Senate document, with illustrations and suitable binding.

(b) Printed Copies.—In addition to the usual number, there shall be printed 6,550 copies of the ceremony transcript, of which 105 copies shall be for the use of the Senate, 490 copies shall be for the use of the House of Representatives, 2,500 copies shall be for use of the Representative from Wyoming, and 3,500 copies shall be for the use of the Senators from Wyoming.

SEC. 3. TRANSMITTAL TO GOVERNOR OF WYOMING.

The Clerk of the Senate shall transmit a copy of the concurrent resolution to the Governor of Wyoming.

Mr. THOMAS. Mr. President, today I rise along with Senator ENZI to submit a concurrent resolution allowing for the placement of Wyoming’s second statue in Statuary Hall.

As many individuals from Wyoming know, Chief Washakie was a true warrior and statesman. Chief Washakie passed away in 1900, participated in the cultural and historic events that shaped the West before passing away in 1900. The value of his life experiences—which span three separate centuries—still resonate in my home state today.

Chief Washakie, a skilled orator and charismatic figure, was widely known for his ability to foresee what the future held for his people. As Chief of the Shoshone tribe for fifty years, Washakie was successful in protecting the interests of his people in the face of westward expansion. In 1968, Chief Washakie was instrumental in the signing of the Fort Bridger treaty—which granted the Shoshone more than three million acres of land in the Warm Valley and the Wind River reservation. His legacy lives on today as many of his descendants continue to be involved in tribal matters throughout Wyoming.

It is fitting that Wyoming has chosen Chief Washakie to be honored in our Nation’s Capitol. This resolution not only speaks to his achievements but also commemorates the very spirit on which our great country was founded.

Mr. President, I rise with my colleague Senator Thomas to submit a resolution authorizing Congress to accept Wyoming’s second statue for National Statuary Hall, a statue of the great Chief of the Eastern Shoshone Tribe, Chief Washakie. The entire nation owes Chief Washakie a great debt of gratitude for his assistance in allowing settlers to pass over his tribe’s lands during the great Western migration and for advancing the cause of peace between the United States and Native American nations.

The exact birthdate of Chief Washakie is not known, but it is believed that he was born in 1804 to a Flathead father and a Shoshone mother who lived in a Flathead tribe village. That village was attacked by the Blackfeet tribe and Washakie’s father was killed in the battle. Washakie’s mother was taken in by the Lemhi tribe of the Shoshone and Washakie and his sister remained with the Lemhis when his mother and the rest of his family rejoined his Eastern Shoshone tribe.

Washakie made his name as a successful warrior. He devised a large rattle from a dried buffalo hide that was inflated and filled with stones that he used to frighten the inhabitants of rival tribes in battle. He also aligned his nation with the United States and served the United States Army as a scout. It was that service which earned him a funeral with full military honors upon his death in 1900. He was the only Native American leader to be accorded such an honor.

Washakie united the Shoshones to battle threats presented by hostile
tribes, such as the Cheyenne and the Sioux tribes. This brought him to the attention of the United States Government and white men as someone they could do business with. He was a friend of many of the fur traders who worked in Wyoming and his assistance with the endeavor was invaluable. He also offered protection to wagon trains making their way across Wyoming. Chief Washakie sent members of his tribe to the Little Bighorn to reinforce Custer’s troops during the battle too late to prevent the massacre that took place.

Chief Washakie recognized that the white man could be a benefit to the Shoshone tribe. His forward thinking nature ensured that the Shoshone tribe received their current home as a reservation and was not required to relocate to an unfamiliar area. The Wind River Reservation in Western Wyoming is still home to the Eastern Shoshone tribe.

Wyoming has recognized Chief Washakie as one of our state’s most notable citizens by granting him a very unique honor, the placement of a statue of one of our nation with this statue of one of our most important figures, Chief Washakie of the Shoshone Nation.

SENATE CONCURRENT RESOLUTION 116—COMMENDING ISRAEL’S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. LOTT (for himself, Mr. DASCHEL, Mr. HZLMS, Mr. BIDEN, Mr. GRAHAM, Mr. BAUCUS, Mr. HARKIN, Mr. JOHNSON, Mr. DODD, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CONRAD) submitted the following concurrent resolution; which was considered and agreed to:

Con. Res. 116

Whereas Israel has been actively seeking a comprehensive peace with all of its neighbors to bring about an end to the Arab-Israeli conflict:

Whereas Southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians:

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory:

Whereas the Government of Israel unani

Whereas Security Council Resolution 425 also calls for “strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries” and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas UNIFIL, the U.N. force in Lebanon, currently deploys 30,000 Syrian troops in Lebanon; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress:

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls on the United Nations Security Council:
   (A) to recognize Israel’s fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and
   (B) to insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from these groups;

(4) appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation of captives and members of the South Lebanon Army and their families;

(5) calls on the international community to ensure that Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of Lebanese society;

(6) recognizes Israel’s right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel’s qualitative military edge in order to ensure Israel’s long-term security; and

(7) urges all parties to reenter the peace process with the Government of Israel in order to bring peace and stability to all the Middle East.

SENATE RESOLUTION 309—EXPressing the Sense of the Senate Regarding Conditions in Laos

Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. KOHL, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Finance:

S. Res. 309

Whereas Laos was devastated by civil war from 1955 to 1974;

Whereas the people of Laos have lived under the authoritarian, one-party government of the Lao People’s Revolutionary Party since the overthrow of the existing Royal Lao government in 1975;

Whereas the government of the Lao People’s Democratic Republic sharply curtails basic human rights, including freedom of speech, assembly, association, and religion;

Whereas political dissent is not allowed in Laos and those who express their political views are severely punished;

Whereas the constitution protects freedom of religion but the Government of Laos in practice restricts this right;

Whereas Laos is not a signatory of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights;

Whereas Laos is a party to international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

Whereas the 1999 State Department Report on Human Rights Practices in Laos finds that “societal discrimination against women and minorities persist”;

Whereas the State Department’s report also finds that the Lao government “discriminates in its treatment” and uses “degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners”;

Whereas two American citizens, Houa Ly and Michael Vang, were last seen on the border between Laos and Thailand in April 1999 and may be in Laos; and

Whereas many Americans of Hmong and Lao decent are deeply troubled by the conditions in Laos: Now, therefore, be it

Resolved, That the Senate calls on the Government of the Lao People’s Democratic Republic to—

(1) respect the basic human rights of all of its citizens, including freedom of speech, assembly, association, and religion;

(2) ratify the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(3) fulfill its obligations under the international human rights treaties to which it is a party, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

(4) take demonstrable steps to ensure that Hmong and other ethnic minorities who have been returned to Laos from Thailand and elsewhere in Southeast Asia are—

(A) accepted into Lao society on an equal par with other Lao citizens;

(B) allowed to practice freely their ethnic and religious traditions and to preserve their language and culture without threat of fear or intimidation; and

(C) afforded the same educational, economic, and professional opportunities as other residents of Laos;

(5) allow international humanitarian organizations, including the International Red Cross, to gain unrestricted access to areas in which Hmong and other ethnic minorities have been resettled;

(6) allow independent monitoring of prison conditions;

(7) release from prison those who have been arbitrarily arrested on the basis of their political or religious beliefs; and

(8) cooperate fully with the United States Government in the ongoing investigation into the whereabouts of Houa Ly and Michael Vang, two United States citizens who were last seen near the border between Laos and Thailand in April 1999.

SENATE RESOLUTION 310—Honoring the 19 Members of the United States Marine Corps Who Died on April 6, 2000, and Extending the Condolences of the Senate on Their Deaths

Ms. SNOWE (for herself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCDONALD, Mr. ROBB, Mr. SMITH of New Hampshire, Mr. REED, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Mr. ROBERTS,
Mr. HUTCHINSON, and Mr. SESSIONS] submitted the following resolution; which was considered and agreed to:

S. Res. 310

Whereas on April 8, 2000, an MV-22 Osprey aircraft crashed during a training mission in support of operational evaluation in Marana, Arizona, killing all 19 members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these magnificent Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate throughout the Marine Corps, 1st Marine Division, Marine Helicopter Squadron-1, and Marine Wing Command, Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas;

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron-1, of California, Maryland.

(3) Staff Sergeant Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzales Sanches, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.


(8) Corporal Daniel G. Jones, 18, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron-1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Command, Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a riflemen assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Richmond, Virginia.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialists with Marine Air Control Group 38, of Houston, Texas.

Whereas the families and the Marine Corps have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate throughout the Marine Corps, 1st Marine Division, Marine Helicopter Squadron-1, and Marine Wing Command, Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas;

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron-1, of California, Maryland.

(3) Staff Sergeant Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzales Sanches, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.


(8) Corporal Daniel G. Jones, 18, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron-1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Command, Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a riflemen assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Richmond, Virginia.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialists with Marine Air Control Group 38, of Houston, Texas.

Whereas the families and the Marine Corps have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate throughout the Marine Corps, 1st Marine Division, Marine Helicopter Squadron-1, and Marine Wing Command, Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas;

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron-1, of California, Maryland.

(3) Staff Sergeant Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzales Sanches, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.


(8) Corporal Daniel G. Jones, 18, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron-1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Command, Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a riflemen assigned to 3d Battalion, 5th Marine Regim
Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities; Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this oversight hearing is to review the final rules and regulations issued by the National Park Service relating to Title IV of the National Parks Omnibus Management Act of 1998.

The hearing will take place on Thursday, June 8 at 2:30 p.m. in room SD–306 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 244–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, at 9:30 a.m., in open and closed session to receive testimony on U.S. Strategic Nuclear Force requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, at 10:00 a.m. in room 228A of the Russell Senate Office Building to hold a hearing entitled “IRS Restructuring: A New Era for Small Business.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, to conduct a hearing on “consolidation of HUD’s homeless assistance programs.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 23 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 2299

Mr. ALLARD. Mr. President, I ask unanimous consent that S. 2299 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING ISRAEL’S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 116, submitted earlier by Senator LOTT and others.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) commending Israel’s redeployment from southern Lebanon.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ALLARD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 116) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 116

Whereas Israel has been actively seeking a comprehensive peace with all of her neighbors to bring about an end to the Arab–Israeli conflict;

Whereas southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians; and

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory;

Whereas the Government of Israel unanomously agreed to implement Security Council Resolution 425 and has stated its intention of redeploying its forces to the international border by July 7, 2000; and

Whereas Security Council Resolution 425 also calls for “strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries” and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas the Government of Syria currently deploys 30,000 Syrian troops in Lebanon; Now, therefore, be it

Resolved by the Senate (the House of Representaives concurring), That Congress—

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls upon the United Nations Security Council—

(A) to recognize Israel’s fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and

(B) to insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking action to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from that area;

appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all...
members of the South Lebanon Army and their families;
(5) calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon;
(6) notes Israel's right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel's qualitative military advantage over its adversaries; and
(7) urges all parties to reenter the peace process and agree to a permanent, private, Israeli Good Neighbor Treaty with the Government of Israel in order to bring peace and stability to all the Middle East.

HONORING NINETEEN MARINES AND EXTENDING CONDOLENCES OF THE SENATE ON THEIR DEATHS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier by Senator SNOWE, for herself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) honoring the 19 members of the United States Marine Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to speak on a resolution honoring the 19 Marines who died on April 8, 2000, during a training mission in Marana, Arizona, and extending the condolences of the Senate to their families and the Marine Corps.

I thank Senators WARNER and LEVIN, and the 13 other Senators—from both sides of the aisle on the Armed Services Committee—for joining me in bipartisan support of this resolution.

At approximately 8 p.m. on Saturday, April 8, while conducting training as part of the weapons and tactics instructor course, during an operational evaluation of the MV–22 Osprey, the aircraft unexpectedly plunged to the ground during landing, killing all 19 marines on board.

Their deaths stunned the Nation. Among those who died were fathers, husbands, boyfriends, brothers, grandsons, nephews, uncles, and friends. These dedicated men were from Texas, Maryland, Oklahoma, California, North Carolina, Oregon, South Carolina, Arizona, Washington, Virginia, and Florida but were bound together in the brotherhood of arms known as the United States Marine Corps.

Since it was first established through a resolution by the Continental Congress on November 10, 1775, the United States Marine Corps has been defined by the fearless and indomitable spirit of those who have served. Sharing an enviable “esprit de corps,” marines have used the Marine Corps emblem of the eagle, globe, and anchor to transcend race, ethnicity, gender, geographic and economic background. Their tenacity, uncompromising will, and outspoken pride in being a marine have endeared them to the nation, and we, as a nation, grieve their loss.

Nowhere is this loss felt more deeply than by the families of these men. I thank them for their unrelenting support and sacrifice that they have made to their Marine Corps family, and to their Nation, and offer my sympathy for their loss. I also recognize the Marine Corps family—specifically the 3d Battalion, 5th Marine Regiment, 1st Marine Division, the Marine Helicopter Squadron–1, and the Marine Wing Communications Squadron 38, Marine Air Control Group 38—who served side by side with these marines and will continue to carry out the mission without them.

This tragic accident is a brutal reminder that there is no such thing as “routine” training for our men and women in the military. Every day, all around the world our armed forces risk their lives, in peace and in combat, to support and defend our great Nation, and they deserve our thanks and admiration.

Mr. President, this resolution recognizes the sacrifices of these magnificent 19 marines and their families who embody the motto of the Marine Corps, “Semper Fidelis” always faithful. It is the opportunity for the Senate to publicly thank their families and the Marine Corps for their dedication, loyalty, and sacrifice to our Nation, and to extend our condolences on this loss.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 310

Whereas on April 8, 2000, an MV–22 Osprey aircraft crashed during a training mission in support of Operational Evaluation in Marana, Arizona, killing all 19 members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these magnificent Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, which transcends the unit, to resonate through the 3d Battalion, 5th Marine Regiment, 1st Marine Division, Marine Helicopter Squadron–1, and Marine Wing Communications Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Elgin, Texas.

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron–1, of California, Maryland.

(3) Private First Class Gabriel C. Clevenger, 21, a machinist assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Cliford C. Clevenger, 23, a machinist assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

(5) Lance Corporal Jason T. Duke, 28, a machinist assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzalez Sanchez, 27, an assault man assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.


(8) Lance Corporal Seth G. Jones, 18, an assault man assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) 2d Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Ketth, 22, a crew chief assigned to Marine Helicopter Squadron–1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assault man assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Washington.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group 38, of Richmond, Virginia.

(15) Private First Class Kenneth O. Padillo, 25, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

(16) Private First Class George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, California.

(17) Private First Class Kekoi P. Santos, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Gran Ronde, Oregon.

(18) Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Florida.

(19) Private Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Kermitt, Texas.

Nowhere is this loss felt more deeply than by the families of these men. I recognize the sacrifice of the Government of Israel in order to bring peace and stability to all the Middle East.

Resolved, That the Senate—

(1) has learned with profound sorrow of the deaths of 19 members of the United States Marine Corps in the crash of an MV–22 Osprey aircraft on April 8, 2000, during a training mission in Marana, Arizona, and extends condolences to the families of these 19 members of the United States Marine Corps;

(2) acknowledges that these 19 members of the United States Marine Corps embody the
credo of the United States Marine Corps, “Semper Fidelis”; “
(3) expresses its profound gratitude to these 19 members of the United States Ma-
ned for their dedicated and honorable service they rendered to the United States and the United States Marine Corps; and
(4) recognizes with appreciation and re-
spect the loyalty and sacrifice these families
have demonstrated in support of the United States Marine Corps.
Sec. 2. The Secretary of the Senate shall trans-
nan resolution to the Commandant of the United States Ma-
n Corps and to the families of each mem-
ber of the United States Marine Corps who was killed in the accident referred to in the
first section of this resolution.

REMOVAL OF INJUNCTION OF SE-
CRECY—TREATY DOCUMENT NOS. 106–25 THROUGH 106–31

Mr. ALLARD. Mr. President, as in
executive session, I ask unanimous
consent that the Injunction of Secrecy be re-

the following treaties transmitted to the Senate on May 23, 2000, by the President of the United States: Investment Treaty with Bah-

rain (Treaty Document No. 106–25); In-
vestment Treaty with Bolivia (Treaty Docu-
ment No. 106–26); Investment Treaty with

with respect to this Treaty.

The bilateral investment treaty
(BIT) with Honduras is the sixth such

this Treaty.

The Treaty will protect U.S. invest-
ment and assist El Salvador in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its pri-

sector.

The Treaty is fully consistent with U.S. policy toward international and
domestic investment. A specific tenet of U.S. policy, reflected in this Treaty,
is that U.S. investment abroad and for-

vestment and thus strengthen the de-

velopment of its private sector.

The Treaty is fully consistent with
U.S. policy toward international and
domestic investment. A specific tenet of
U.S. policy, reflected in this Treaty, is that U.S. investment abroad and for-

vestment and thus strengthen the develop-

ment of its private sector.

I recommend that the Senate con-

consider this Treaty as soon as possible,
and give its advice and consent to rati-

fication of the Treaty at an early date.

WILLIAM J. CLINTON.

To the Senate of the United States:
With a view to receiving the advice and consent of the Senate to ratifica-

tion, I transmit herewith the Treaty
Between the Government of the United States and the Government of the Republic of Honduras Con-

cerning the Encouragement and Recip-
brocal Protection of Investment, with

signed, at Denver on July 1, 1998. I transmit also, for the information of the Senate, the report of the
Department of State with respect to this Treaty.

The bilateral investment treaty
(BIT) with Honduras is the fourth such

Treaty between the Government of the United States of America and the Government of the Republic of Honduras Con-

cerning the Encouragement and Recip-
brocal Protection of Investment, signed at Denver on July 1, 1998. I transmit also, for the information of the Senate, the report of the
Department of State with respect to this Treaty.

The bilateral investment treaty
(BIT) with Bolivia is the sixth such

Treaty between the Government of the United States and a

Central or South American country. The Treaty will protect

vestment and assist Honduras in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus

strength the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and
domestic investment. A specific tenet of
U.S. policy, reflected in this Treaty, is that U.S. investment abroad and for-

vestment and thus strengthen the de-

velopment of its private sector.

I recommend that the Senate con-

consider this Treaty as soon as possible,
and give its advice and consent to rati-

fication of the Treaty at an early date.

WILLIAM J. CLINTON.

To the Senate of the United States:
With a view to receiving the advice and consent of the Senate to ratifica-

tion, I transmit herewith the Treaty
Between the Government of the United States of America and the Government of the Republic of Honduras Con-

cerning the Encouragement and Recip-
brocal Protection of Investment, with

signed, at Denver on July 1, 1998. I transmit also, for the information of the Senate, the report of the
Department of State with respect to this Treaty.
TO THE SENATE OF THE UNITED STATES:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Amman on July 2, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Jordan was the second such treaty between the United States and a country in the Middle East. The Treaty will protect U.S. investment and assist Jordan in its efforts to develop its economy by creating conditions more favorable for U.S. investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

FEDERAL PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED BUSINESSES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 311, submitted earlier by Senator Bond and Senator Kerry.

The PRESIDING OFFICER. The assistant legislative clerk read as follows:

A resolution (S. Res. 311) to express the sense of the Senate that the President should ensure Federal procurement opportunities for women-owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. Mr. President, I rise in support of the Senate Resolution I introduce today which calls attention to the Federal Government’s failure to meet the statutory goal to award 5 percent of Federal contract dollars to women-owned small businesses. I am very pleased that members of the Senate Committee on Small Business have cosponsored this Resolution, including the committee’s ranking member, Senator KERRY, Senator BURNS, Senator SNOWE, Senator LANDRIEU, Senator LIEBERMAN, Senator EDWARDS and Senator ABRAHAM, who authored last year’s initiative in the committee to help women reach the 5-percent goal. In addition, Senators BINGAMAN and MURRAY have joined us as cosponsors of this Resolution.

This is Small Business Week 2000. It is very appropriate that we recognize the important roles played of women-owned small businesses in our Nation’s economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor’s freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.
economy and communities. The number of small businesses owned and controlled by women is expanding at a very rapid rate, and today, they total 38 percent of all businesses in the United States. Importantly, their numbers are expanding at such a pace that it is estimated all businesses will make up over 50 percent of all businesses by 2010. That is an astounding statistic.

In 1994, Congress recognized the importance of women-owned small businesses play in our economy. During the consideration of the Federal Acquisition Streamlining Act, FASA, the Senate approved a provision directing that 5 percent of all Federal procurement dollars be awarded each year to women-owned small businesses. The goal includes 5 percent of prime contract dollars and 5 percent of subcontract dollars and was included in the final FASA Conference Report and enacted into law.

The Federal departments and agencies have failed to meet the 5 percent goal since it was enacted by Congress in 1994. After Senator Abraham chaired a committee field hearing in Michigan on the state of women business owners, he asked for an amendment, addressing the failure of the Federal departments and agencies to meet the 5 percent goal during the Committee on Small Business markup of the “Women’s Business Centers Sustainability Act of 1999,” S. 731. The amendment, was agreed upon unanimously by the Committee and enacted into law, Public Law 106-165. It directed the General Accounting Office to undertake an audit of the Federal procurement system and its impact on women-owned small businesses, which is underway at this time.

The statistics for Federal procurement for FY 1999 have been released. Again, the 5 percent goal for women-owned small businesses was not met—and Federal amendment addressing the failure of the Federal departments and agencies fell over 50 percent short of the goal-reaching only 2.4 percent. The failure of the Administration to meet this goal, which is designed to produce opportunities for start-up and growing small, women-owned businesses, is disturbing. Over 5 years have passed since the enactment of FASA, and the Federal Government continues to respond by taking baby steps toward meeting this Congressionally-mandated goal.

The Senate resolution before the Senate today urges the President to adopt an administration policy in support of the 5 percent goal. Further, the resolution urges the President to go to the heart of the problem—to those Federal departments and agencies that are not carrying their share of the burden in meeting the goal. Specifically, the resolution asks the President to hold the head of each department and agency accountable for meeting the 5 percent goal.

Is it asking too much to require cabinet secretaries and agency heads to work harder to comply with a statutory goal? Of course not. It’s all a matter of priorities. And I think supporting women-owned business should and must be a priority for each and every cabinet secretary and agency head. In other words, we are demanding performance, not just performance.

Were it not for the growth of the small business community over the past decade, our economy would not be its booming self. Women-owned small businesses have contributed significantly to our economic strength and stability. We need to help stimulate this growth to strengthen further the foundation of our business success. The 5 percent Federal procurement goal is a significant component to help women-owned business to start-up and flourish.

We should not lose sight of the fact that our laws are not keeping up with the new realities of business, particularly for women-owned businesses, who are heating up the economy. We need to be better prepared to deal with changes in the business climate so that laws and government policies are relevant and helpful. In Congress, we should be prepared to jetison antiquated laws. And we need to recognize that our procurement policy will be to step aside to avoid hindering progress and growth.

Future Congresses and Administrations will have a tremendous impact on the success of women-owned businesses, which is where the Senate resolution, introduced by our colleague, Senator BOND to introduce a resolution that encourages the President to adopt a policy that reinforces and enforces a procurement law Congress passed in 1994. That law, the Federal Acquisition Streamlining Act, established a government-wide goal for all heads of Federal departments and agencies to award five percent of their prime and subcontracts to women-owned businesses. First, this resolution asks the President to adopt a policy that supports the law and encourages agencies and departments to meet the goal. Second, this resolution asks the President to establish an Enterprise Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

Today I join my colleague Senator BOND to introduce a resolution that encourages the President to adopt a policy that reinforces and enforces a procurement law Congress passed in 1994. That law, the Federal Acquisition Streamlining Act, established a government-wide goal for all heads of Federal departments and agencies to award five percent of their prime and subcontracts to women-owned businesses. His staff has worked for months with the Small Business Administration, SBA, the National Women’s Business Council, the Women’s Coalition for Access to Procurement, Women First, Women’s Construction Owners and Executives, and the Women’s Business Enterprise National Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

I also think it is good policy for the Assistant Administrator for Women’s Procurement within the SBA’s Office of Government Contracting. Increasing opportunities for women-owned businesses is a full-time job and devoting staff to this area is good use of resources.

I also think it is good policy for the Assistant Administrator to evaluate the agencies’ contracting records on a semi-annual basis. This has two benefits. One, it encourages the procurement offices to run their operations efficiently or staff to meet the demands of your products or services. I think it is a very good idea for contracting officers to do the same. Two, this policy particularly those owned by women and under-represented minorities. For example, in 1999, women-owned businesses made up 38 percent of all businesses but received only 2.4 percent of the $189 billion in Federal prime contracts. We can do better. And, before we enact new laws, we should promote and enforce the ones we have.

First, I want to offer my strong support and sincere compliments to President Clinton for his executive order today that reaffirms and strengthens the executive branch’s commitment to meeting the five-percent procurement goal for women-owned businesses. His staff has worked for months with the Small Business Administration, SBA, the National Women’s Business Council, the Women’s Coalition for Access to Procurement, Women First, Women’s Construction Owners and Executives, and the Women’s Business Enterprise National Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

I also think it is good policy for the Assistant Administrator to evaluate the agencies’ contracting records on a semi-annual basis. This has two benefits. One, it encourages the procurement offices to run their operations efficiently or staff to meet the demands of your products or services. I think it is a very good idea for contracting officers to do the same. Two, this policy particularly those owned by women and under-represented minorities. For example, in 1999, women-owned businesses made up 38 percent of all businesses but received only 2.4 percent of the $189 billion in Federal prime contracts. We can do better. And, before we enact new laws, we should promote and enforce the ones we have.

First, I want to offer my strong support and sincere compliments to President Clinton for his executive order today that reaffirms and strengthens the executive branch’s commitment to meeting the five-percent procurement goal for women-owned businesses. His staff has worked for months with the Small Business Administration, SBA, the National Women’s Business Council, the Women’s Coalition for Access to Procurement, Women First, Women’s Construction Owners and Executives, and the Women’s Business Enterprise National Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

I also think it is good policy for the Assistant Administrator to evaluate the agencies’ contracting records on a semi-annual basis. This has two benefits. One, it encourages the procurement offices to run their operations efficiently or staff to meet the demands of your products or services. I think it is a very good idea for contracting officers to do the same. Two, this policy particularly those owned by women and under-represented minorities. For example, in 1999, women-owned businesses made up 38 percent of all businesses but received only 2.4 percent of the $189 billion in Federal prime contracts. We can do better. And, before we enact new laws, we should promote and enforce the ones we have.
allows the SBA to work with an agency that is not meeting its goal midway through the year rather than finding out at the end of the year when it is too late.

Lastly, I like the Administration’s plan to manage it takes a holistic approach to procurement. Rather than just focusing on the agencies and departments, it requires the Assistant Administrator to organize training and development seminars that teach women on how to participate in the complex world of Federal procurement and the SBA’s procurement programs. It will be much easier for women-owned businesses to compete for Federal contracts if they understand the process and how to find out about opportunities.

I think it is important to note that while the government as a whole is not contracting as it should with women-owned firms, there are some outstanding exceptions. Some Federal agencies, such as the lead agencies in working with women-owned firms, and should be congratulated. According to the Federal Procurement Data System, the Department of Housing and Urban Development, the Consumer Product Safety Commission, the Federal Aviation Administration, and the Small Business Administration have all not only met the five percent goal, but have come in at around fifteen percent or better. That is three times the goal set by Congress. These Federal agencies know that working with women-owned firms is not simply an altruistic exercise. These firms are strong, dependable and do good work. These firms provide a solid service to their customer, and the Federal contracting officers know it. In total, 20 Federal agencies either met or exceeded the five percent goal.

Therefore, we know that it is indeed possible for Federal agencies to meet the five percent goal. With this resolution, it is our hope that agencies will work harder, following the examples of the agencies I discussed earlier, to contract with women-owned firms.

I’ve supported many initiatives over the years to increase resources and opportunities for businesses owned by women. Most recently, I supported Senator LANDRIEU’s legislation to re-authorize the National Women’s Business Council, last year I introduced the Women’s Business Center Act, the Women’s Business Centers Sustainability Act of 1999. Now public law, that legislation is helping Centers address the funding constraints that have been making it increasingly difficult for them to sustain the level of services they provide after they graduate from the Women’s Business Centers program and no longer receive federal matching funds. It is important to note that SBA requires Women’s Business Centers to provide procurement training.

As part of that bill, we passed an amendment to increase Federal procurement opportunities for women-owned small businesses. The amendment expressed the sense of the Senate that the General Accounting Office should conduct an audit of the Federal procurement process. This audit should be the preceding three years. Unlike the Council’s previous studies and reports that focused on data and best practices, this report was to focus on why the agencies haven’t met the congressionally mandated five percent procurement goal for small businesses owned by women.

Mr. President, the Federal agencies have begun to make progress since Congress enacted the five-percent procurement goal, but I want the contracting managers to remember that this goal is a minimum, not a maximum. Out of the more than 9 million businesses owned by women in this country, I believe that the Federal Government can find ones that are qualified to provide good products and services, to fill their contracts if they make it a priority.

I believe that the President’s Executive Order establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses, and I look forward to seeing the Federal departments and agencies meet the five percent goal this year, as the Senate resolution emphasizes.

I ask for your support of this statement and a copy of the Executive Order be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INCREASED PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED SMALL BUSINESSES

By the authority vested in me as President by the Constitution and the laws of the United States, including the Small Business Act, 15 U.S.C. 631, et seq., section 7106 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), and the Office of Federal Procurement Policy, 41 U.S.C. 403, et seq., and in order to strengthen the executive branch’s commitment to increased opportunities for women-owned small businesses, it is hereby ordered as follows:

Section 1. Executive Branch Policy. In order to reinforce and strengthen a policy contained in the Small Business Act, 15 U.S.C. 649(h)(1), it shall be the policy of the executive branch to take the steps necessary to ensure that the executive branch-wide goal for participation in procurement by women-owned small businesses (WOSBs). Further, the executive branch shall implement this policy by establishing a participation goal for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than five percent of the total value of all subcontract awards for each fiscal year.

Sec. 2. Responsibilities of Federal Departments and Agencies. Each department and agency (hereafter referred to collectively as “agency”) that has procurement authority shall develop a long-term comprehensive strategy to expand opportunities for WOSBs. Where feasible and consistent with the effective and efficient performance of its mission, each agency shall establish a goal of achieving a procurement rate for WOSBs in less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than five percent of the total value of all subcontract awards for each fiscal year. The agency’s plans shall include, where appropriate, methods and programs as set forth in section 4 of this order.

Sec. 3. Responsibilities of the Small Business Administration. The Small Business Administration (SBA) shall establish an Assistant Administrator for Women’s Contracting within the SBA’s Office of Government Contracting. This officer shall be responsible for:

(a) working with each agency to develop and implement policies to achieve the participation goals for WOSBs, the executive branch and individual agencies;

(b) advising agencies on how to implement strategies that will increase the participation of WOSBs in Federal procurement;

(c) evaluating, on a semiannual basis, using the Federal Procurement Data System (FPDS), the achievement of prime and subcontract goals and actual prime and subcontract awards to WOSBs for each agency;

(d) preparing a report, which shall be submitted by the Administrator of the SBA to the President, through the Interagency Committee on Women’s Business Enterprise and the Office of Federal Procurement Policy (OFPP), on findings regarding prime and subcontract contracts awarded to WOSBs;

(e) making recommendations and working with Federal agencies to expand participation rates for WOSBs, with a particular emphasis on agencies in which the participation rate for these businesses is less than 5 percent;

(f) providing a program of training and development seminars and conferences to inform women-owned businesses about their opportunities within the Federal system concerning acquisition, small businesses, and women-owned businesses, and which provides links to other websites within the SBA’s 8(a) program, the Small Disadvantaged Business (SDB) program, the HUBZone program, and other small business contracting programs for which they may be eligible;

(g) developing and implementing a single uniform Federal Government-wide website, which provides links to other websites within the Federal system concerning acquisition, small businesses, and women-owned businesses, and which provides current procurement information for WOSBs and other small businesses;

(h) developing an interactive electronic commerce database that allows small businesses to find information about their businesses and capabilities as potential contractors for Federal agencies, and enables contracting officers to
I have had the opportunity to speak with many women business leaders in Michigan on this matter, and the general opinion is that there are certain doors that are closed to women business owners. In a field I held in Michigan last summer on issues to women business owners face. Many times women business owners face the same problems as men in the private sector. However, when looking at the representation of women in terms of federal procurement dollars, the differences are striking.

Six years after posting a modest five percent goal of Federal procurement dollars for women-owned small businesses, Federal departments and agencies have fallen far short. Last year, only 2.4 percent of the total dollar value of all Federal prime contracts went to women business owners. This shortfall is staggering when taking into account that women-owned small businesses are the fastest growing segment of the business community in the United States. In fact, by the year 2010, women-owned small businesses are expected to make up more than one-half of all businesses in the United States.

As a result of this striking information, I introduced an amendment to last year’s Women Business Centers Sustainability Act that called for a GAO report studying the trends, barriers and possible solutions to this deficiency. I am proud to report that this report was completed by the end of this year. However, this alone will not provide Federal procurement opportunities for women-owned small businesses. The administration must become actively involved in demanding Federal departments and agencies accomplish the five-percent procurement goal.

Mr. President, I have been advocating this issue for quite some time now. My colleagues and I in the Senate Small Business Committee have consistently stated the frustration felt by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each year. The administration and Congress must make an adequate effort in meeting the five percent goal. Federal departments and agencies have not made adequate effort in meeting the five percent goal established in 1994 as part of the Federal Acquisition Streamlining Act. I fully support this Senate resolution and urge Federal agencies to make a concerted effort to meet this 5 percent goal.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 311) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 311

Whereas women-owned small businesses are the fastest growing segment of the business community in the United States; and

Whereas women-owned small businesses will make up more than one-half of all business in the United States by the year 2010; and

Whereas in 1994, the Congress enacted the Federal Acquisition Streamlining Act of 1994, establishing a 5 percent goal for small businesses owned and controlled by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each year; and

Whereas the Congress intended that the departments and agencies of the Federal Government make a concerted effort to move toward that goal; and

Whereas in fiscal year 1999, the departments and agencies of the Federal Government awarded prime contracts totaling 2.4 percent of the total dollar value of all prime contracts; and

Whereas in each fiscal year since enactment of the Federal Acquisition Streamlining Act of 1994, the Federal departments and agencies have failed to reach the 5 percent procurement goal for women-owned small businesses; Now, therefore, be it

Resolved, That—

(1) the Senate strongly urges the President to adopt a policy in support of the 5 percent procurement goal for women-owned small businesses, and to encourage the heads of Federal departments and agencies to undertake a concerted effort to meet the 5 percent goal before the end of fiscal year 2000; and

(2) the President should hold the heads of Federal departments and agencies accountable to ensure that the 5 percent goal is achieved during fiscal year 2000.
Whereas, in the case of State of Indiana v. Amy Han, C. No. 99–148243, pending in the Indiana Superior Court of Marion County, Plaintiff, the plaintiff has commenced a civil action against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on violation by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff’s second challenge against Senator CLELAND, who was elected to the Senate almost four years ago, in 1996, in an election that was not the subject of any election contest brought before the Senate, is sued solely because of his official capacity as a sitting Senator. This quo warranto action in essence challenges his taking of the oath of office, as well as the Senate’s action in seating him. As such, it falls appropriately within the Senate Legal Counsel’s statutory responsibility to represent Members of the Senate in civil actions in which they are sued in their official capacity.

The writ of quo warranto can have no applicability to United States Senators or Representatives, as Article I, section 5 of the United States Constitution commits to each House of Congress the sole power to remove its Members. This action is also barred by the speech or debate clause.

This resolution would authorize the Senate Legal Counsel to represent Senator CLELAND to seek his dismissal from this matter.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 264CV2244, now pending in the Superior Court of Fulton County, Georgia;**

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§280b(a) and 280c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the procedure provided for taking such evidence, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Lesley Reser and Lane Ralph, and any other employee of Senator Lugar’s office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar’s office in connection with the testimony and document production authorized in section one of this resolution.

AUTHORIZING ACTION IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The resolution (S. Res. 313) was agreed to, without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action against Senator CLELAND in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff’s second challenge to Georgia’s current election laws. Having lost his first challenge against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff’s second challenge to Georgia’s current election laws. Having lost his first challenge against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff’s second challenge to Georgia’s current election laws. Having lost his first challenge against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff’s second challenge to Georgia’s current election laws.

The resolution (S. Res. 313) was agreed to, without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

NATIONAL CHILD’S DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. Res. 296.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) designating the first Sunday in June of each calendar year as “National Child’s Day”.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. Res. 296

W h e r e a s the first Sunday of June falls between Mother’s Day and Father’s Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and
The resolution (S. Res. 296), as amended, was agreed to.

The preamble was agreed to.

The title was amended so as to read: “Designating June 4, 2000, as ‘National Child’s Day.’”

ORDERS FOR WEDNESDAY, MAY 24, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate then proceed to a period of morning business until 11 a.m., with Senators speaking therein for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 10 to 10:30 a.m.; Senator THOMAS, or his designee, from 10:30 to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2603

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate begin consideration of S. 2603, the legislative branch appropriations bill, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. on Wednesday and be in a period of morning business until 11 a.m. Following morning business, the Senate will begin debate on the legislative branch appropriations bill. It is hoped that an agreement can be made regarding debate time and amendments so that a vote can occur during tomorrow’s session of the Senate. There are approximately 40 minutes of debate remaining on executive nominations, with up to six votes to occur tomorrow afternoon. To accommodate the party dinners Wednesday night, votes will occur prior to 6 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Wednesday, May 24, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2000:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DON HARELL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2002, VICE JEROME A. STICKER, TERM EXPIRED.

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, (NEW POSITION)

INSTITUTE OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEVELOPMENT


IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To Be Admiral

VICE ADM. ROBERT J. NATTER, 0000

WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 23, 2000, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF COMMERCE

Nicholas P. Godicci, of Virginia, to be an Assistant Commissioner of Patents and Trademarks, vice Philip G. Hampton, II, which was sent to the Senate on January 31, 2000.

DEPARTMENT OF ENERGY

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research, vice Martha Anne Krebs, which was sent to the Senate on April 13, 2000.
SECRETARY ALBRIGHT'S REMARKS ON THE ANNIVERSARY OF BURMA'S MILITARY COUP

HON. TOM LANTOS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

TUESDAY, MAY 23, 2000

Mr. LANTOS. Mr. Speaker, just a few days ago, here on Capitol Hill, our outstanding Secretary of State, Madeleine K. Albright, and the National Endowment for Democracy, joined by a number of Members of Congress marked the 10th anniversary of the election victory of Burma’s National League for Democracy led by Aung San Suu Kyi in free Burmese elections in May 1990. Shortly after that democratic victory, the Burmese military annulled the results of the election and seized power in a military coup.

After the military crackdown against the victors of the democratic election, supporters of the National League for Democracy were arrested and forced to flee their homeland. Aung San Suu Kyi was placed under house arrest, and has been harassed and intimidated by the vicious and brutal military dictatorship. In appropriate recognition of her peaceful struggle for democratic change in Burma, Aung San Suu Kyi received the Nobel Peace Prize in 1991. The continued military harassment of Ms. Suu Kyi was so intense and bitter that she refused to leave Burma last year when she learned that her husband was dying of cancer in the United Kingdom. It was clear that the military junta would not permit her to return to Burma if she had left.

Aung San Suu Kyi was able to speak to the gathering only via a videotaped message, but she expressed thanks to the United States and other countries for “supporting us in our endeavor to have the results of the 1990 elections recognized at this time, when the military regime are trying hard to pretend that the results of the elections are no longer valid.”

Mr. Speaker, in marking this important Burmese anniversary last week, Secretary Albright delivered an impassioned message of support for Aung San Suu Kyi and the Burmese patriots of the National League for Democracy. Secretary Albright said: “We renew our commitment to Aung San Suu Kyi and the National League for Democracy. As long as you struggle, we will do all we can to assist. And we know that you will not stop struggling until you prevail.”

Mr. Speaker, that spirit truly pervades the position of the Administration, the Congress, and the American people toward the repressive regime in Burma and toward the heroine, Aung San Suu Kyi, who has the courage and integrity to stand up against that vicious anti-democratic military junta. In her outstanding speech, Secretary Albright strongly reaffirmed the American commitment to the people of Burma. Mr. Speaker, I ask that Secretary Albright’s entire speech be placed in the Record, and I urge my colleagues to give serious attention to her thoughtful remarks.

REMARKS AT NATIONAL ENDOWMENT FOR DEMOCRACY

SECRETARY OF STATE MADELINE K. ALBRIGHT

SECRETARY ALBRIGHT: Thank you very much, Carl, and I’m pleased to be here today for this event, and I am very pleased to be here with my good friend, Ambassador Vondra, Ambassador Jazayana, and the members of Congress.

But I’m very glad they were here. Congressman Pelosi and Congressman Kucinich, Congressman Lantos and Congressmen Payne and Porter. And they have really been wonderful supporters of democracy and I’m always very pleased to be able to work with them. And there are so many other distinguished colleagues, guests and friends who are here.

The National Endowment for Democracy is one of my favorite institutions. And I think Carl explained why. It has pioneered the use of our own civil society to work with supporters of democracy from other countries and cultures. It’s had extraordinary success in fomenting democracy. It’s evident across the world, in helping dozens of new democracies find their feet, by sharing experiences across national lines. And by so doing has helped to give global impetus to the movement to democracy.

The Open Society Institute and the Institute for Asian Democracy provide further evidence that the desire to choose one’s own leaders freely and without fear is indeed a universal human aspiration. It is also a universal human right.

Today, we assemble to mark the tenth anniversary of the last time that right was exercised by the people of Burma, and to pay tribute to the overwhelming winner of those elections, Aung San Suu Kyi, and to its leader Aung San Suu Kyi.

As many of you know, Aung San Suu Kyi is the daughter of the late Aung San, the hero of Burmese independence. She was educated abroad, but in 1988, returned to Burma. This was a period of turbulence, but after years of military rule, a democratic opening did, in fact, seem possible.

Although reluctant at first, Aung San Suu Kyi began to speak out with fearless eloquence, and to exercise her human rights, and to lead a variety of new political lines. And by so doing has helped to bring together the World Movement for Democracy in New Delhi. Next month, the United States will participate in a Conference of Destitute Democracies in Warsaw. And our purpose is to see that the democratic tide remains a rising tide around the world, by helping those who have gained freedom to sustain it, and by expressing solidarity with the efforts of those who seek freedom to secure it.

Today, we renew our call to the authorities in Rangoon to abide by the democratic wishes of their people; and to free political prisoners, end torture, fight narcotics production and halt forced labor.

Mr. Speaker, a number of Members of Congress marked the anniversary of the last time that right was exercised by the people of Burma, and to pay tribute to the overwhelming winner of those elections, Aung San Suu Kyi, and to its leader Aung San Suu Kyi.

As many of you know, Aung San Suu Kyi is the daughter of the late Aung San, the hero of Burmese independence. She was educated abroad, but in 1988, returned to Burma. This was a period of turbulence, but after years of military rule, a democratic opening did, in fact, seem possible.

Although reluctant at first, Aung San Suu Kyi began to speak out with fearless eloquence, and to exercise her human rights, and to lead a variety of new political lines. And by so doing has helped to bring together the World Movement for Democracy in New Delhi. Next month, the United States will participate in a Conference of Destitute Democracies in Warsaw. And our purpose is to see that the democratic tide remains a rising tide around the world, by helping those who have gained freedom to sustain it, and by expressing solidarity with the efforts of those who seek freedom to secure it.

Today, we renew our call to the authorities in Rangoon to abide by the democratic wishes of their people; and to free political prisoners, end torture, fight narcotics production and halt forced labor.

SECRETARY ALBRIGHT: Thank you very much, Carl, and I’m pleased to be here today for this event, and I am very pleased to be here with my good friend, Ambassador Vondra, Ambassador Jazayana, and the members of Congress.

But I’m very glad they were here. Congressman Pelosi and Congressman Kucinich, Congressman Lantos and Congressmen Payne and Porter. And they have really been wonderful supporters of democracy and I’m always very pleased to be able to work with them. And there are so many other distinguished colleagues, guests and friends who are here.

The National Endowment for Democracy is one of my favorite institutions. And I think Carl explained why. It has pioneered the use of our own civil society to work with supporters of democracy from other countries and cultures. It’s had extraordinary success in fomenting democracy. It’s evident across the world, in helping dozens of new democracies find their feet, by sharing experiences across national lines. And by so doing has helped to give global impetus to the movement to democracy.

The Open Society Institute and the Institute for Asian Democracy provide further evidence that the desire to choose one’s own leaders freely and without fear is indeed a universal human aspiration. It is also a universal human right.

Today, we assemble to mark the tenth anniversary of the last time that right was exercised by the people of Burma, and to pay tribute to the overwhelming winner of those elections, Aung San Suu Kyi, and to its leader Aung San Suu Kyi.

As many of you know, Aung San Suu Kyi is the daughter of the late Aung San, the hero of Burmese independence. She was educated abroad, but in 1988, returned to Burma. This was a period of turbulence, but after years of military rule, a democratic opening did, in fact, seem possible.

Although reluctant at first, Aung San Suu Kyi began to speak out with fearless eloquence, and to exercise her human rights, and to lead a variety of new political lines. And by so doing has helped to bring together the World Movement for Democracy in New Delhi. Next month, the United States will participate in a Conference of Destitute Democracies in Warsaw. And our purpose is to see that the democratic tide remains a rising tide around the world, by helping those who have gained freedom to sustain it, and by expressing solidarity with the efforts of those who seek freedom to secure it.

Today, we renew our call to the authorities in Rangoon to abide by the democratic wishes of their people; and to free political prisoners, end torture, fight narcotics production and halt forced labor.
We renew our commitment to Aung San Suu Kyi and the National League of Democracy. As long as you struggle, we will do all we can to assist. And we know that you will not stop struggling until you prevail.

The yearning for freedom is relentless. The walls it cannot overwhelm, it will nevertheless erode. And I am confident the day will come when Burma is free. And Aung San Suu Kyi’s democratic dream will become a reality through the inspiration of her daughter, the bravery of the Burmese people, and the support of those who love liberty around the world.

I thank you all very much for participating in this event because I think that for Aung San Suu Kyi to know that there are people all over that support her must be a source of strength to her. She is a truly remarkable woman, and we owe her a great deal.

Thank you very much.

COLORADO STATE REPRESENTATIVE MARYC M ORRISON
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado’s leading statesmen, State Representative Marcy Morrison. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Morrison’s dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado House of Representatives in 1992, a seat she would hold to present time, she served on the Health and Judiciary Committees. She sponsored the Post Delivery Care for Stays in Hospitals and immunization for more Colorado children. Marcy has also been very active on the health care issues for seniors, the disabled, and child care.

Representative Morrison received many honors. She received the Women of Spirit Award from the Colorado Counseling Association, as well as, the Outstanding School Board Member award-Gates Scholarship from the Kennedy School. Marcy has also received awards from the Colorado Obstetrics & Gynecology Society, the Pediatric Society and the Colorado Planners Association.

This year marked the end of Representative Morrison’s tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Morrison a debt of gratitude and I wish her well.

1999-2000 GED GRADUATES—COOSA VALLEY TECHNICAL INSTITUTE–ROME, GA

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. BARR of Georgia. Mr. Speaker, the first graduate equivalency diploma (GED) tests were developed in 1942 to help returning World War II veterans finish their studies and obtain credentialing. Then, as now, the GED tests measure the academic skills and knowledge expected of high school graduates in the United States. The GED program has served as a bridge to education and employment for an estimated 13 million people over its 50-year history. Approximately one in seven high school diplomas issued in the United States is based on passing the GED tests, and 68 percent of GED test-takers plan to enter a college, university, trade, technical, or business school in the very next year. During the past 10 years, the number of adults taking special editions of the GED tests (audio cassette and braille) more than doubled.

Today I salute the 1999–2000 GED graduates of Coosa Valley Technical Institute in Rome, GA. Coosa Valley Tech is an official GED testing center, under contract with the Georgia Department of Technical and Adult Education and the American Council on Education. Adults who are 18 years of age and officially withdrawn from school are eligible for testing. Those who pass the GED are awarded the General Educational Development Diploma, and, in Georgia, most are eligible for a $500 HOPE voucher from the State of Georgia to defray costs of continuing education at eligible schools.

The environment of the school is designed to give special attention to adults returning to school to resume educational programs which were interrupted in earlier years. These adults may be refreshing their basic skills to re-enter the job market after a layoff; preparing for the GED tests to qualify for a job or educational program which requires a high school diploma to enter; or working toward a personal educational goal which they have set for themselves. More than 95 percent of employers in the United States consider GED graduates the same as traditional high school graduates when making hiring, salary, and promotion decisions.

Nationwide, statistics indicate more than 800,000 adults take the GED tests each year. Those who obtain scores high enough to earn a GED diploma outperform at least one-third of today’s high school seniors.

Some prominent GED graduates include: actor Bill Cosby; Wendy’s founder, Dave Thomas; and U.S. Senator Ben Nighthorse Campbell (R-CO).

Not only do adults who obtain their GEDs work diligently to reach their educational goal, many did so while holding down full time jobs. Many are mothers or fathers who must care for the needs of their children. Most certainly, they are to be congratulated for their diligence and hard work in achieving their goals. It is hoped each of them will continue to succeed in future endeavors, and statistics indicate that will likely be the case.

It is my honor to place this recognition of the 1999–2000 GED graduates of Coosa Valley Technical Institute into the CONGRESSIONAL RECORD of the 106th Congress of the United States of America.

HONORING LOCAL LEGACIES PROJECT PARTICIPANTS

HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. EHRLERS. Mr. Speaker, today I recognize the Local Legacies project that has served as the focal point of this year’s Library of Congress Bicentennial celebration. Last year, each Member of Congress was asked to submit audio, visual, or textual documentation for at least one significant cultural heritage that has been important to his or her district, serving as a record for future generations. This documentation will be permanently housed in the collections of the Library’s American Folklife Center. This evening, Members of Congress and Local Legacies project participants from across the country will gather in the Great Hall of the Thomas Jefferson Building to celebrate the completion of this magnificent collection of historical material.

I am proud to have participated in the Local Legacies project and personally thank volunteers Kathy Kuhn and Eileen Schwarz-Duty, who deserve an enormous amount of credit for gathering and compiling the Local Legacies project for the Third District of Michigan. Kathy and Eileen coordinated the massive effort of documenting The Festival of the Arts: The Nation’s Largest All-Volunteer Arts Festival. This Festival is a three-day celebration of the arts held the first full weekend of June in downtown Grand Rapids, Michigan. The first festival was held in 1970 and has grown considerably over the years. In 1998, 20,000 volunteers helped showcase the work of several thousand artists, dancers, musicians, poets, and other performers. Festival is also known for its wide variety of food booths set up by non-profit organizations that highlight various ethnic themes and culinary specialties. Festival hats, water bottles, beanie babies, posters, programs, pins, and a video are just a few of the many items that were submitted on behalf of the Third District. Because of the passion these two individuals have for Festival, the Library of Congress has received the best possible representation to what our major West Michigan event is all about.

I encourage everyone to take a moment to explore the Local Legacies materials that have been submitted for inclusion in the Library’s collection. All information regarding Local Legacies, including a complete project listing, can be accessed through the Library’s Bicentennial Web site at: http://www.loc.gov/bicentennial.

Mr. Speaker, I ask you and our colleagues to applaud the efforts of volunteers from across the country who have helped in the bicentennial celebration of America’s oldest federal cultural institution, the Library of Congress. Thanks to their work and care in preserving the past, the cultural heritage of our nation will be preserved.
OPENING OF THE POLISH CENTER OF DISCOVERY AND LEARNING AT ELMS COLLEGE IN CHICOPEE, MASSACHUSETTS

HON. RICHARD E. NEAL
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

TUESDAY, MAY 23, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor today to take a few minutes to recognize a significant event is my district that will both recognize and honor the impact the Polish American culture has made upon western Massachusetts.

On Saturday, June 3rd, the Elms College in Chicopee, Massachusetts will open a new Polish Center of Discovery and Learning. This new center will address a need in the community that is not currently being met by other academic research centers and cultural associations. The Polish Center will provide support materials for local schools and educational institutions to encourage and assist people in western Massachusetts and from throughout New England to learn about and discover Poland.

The Polish Center will develop a permanent exhibit of historical and cultural materials which will be housed in an inviting community meeting space. The mission of the center will be to offer a variety of workshops, exhibits, concerts, conferences, films, plays and lectures. All of this will be done in an effort to make known the achievements of Americans of Polish descent and others whose relationships with the ethnic Polish culture has contributed to the economy, the arts and the sciences in New England.

The resources at the Polish Center of Discovery and Learning will include a library collection of English language materials for undergraduate students and the general public on topics of Polish history and culture. The Center will also include a database of historical and statistical information with a concentration on Poles in the United States. Historical and cultural artifacts, as well as support materials and bibliographies will be available.

What is most special about the Center, however, is that it will draw upon the collective experiences of people of Polish origin who live within the western Massachusetts area. Programming will be available for adults, children and college students, and traditional Polish customs and traditions will be passed down through the generations.

Mr. Speaker, I am honored to represent such as interesting and unique Center dedicated to learning about the Polish American culture that thrives in my area. I look forward to working closely with the directors of this Center, and to participating in the many exciting programs and events that are to come in the future.

Congratulations to Elms College for establishing the Polish Center of Discovery and Learning.

COLORADO STATE REPRESENTATIVE, DEBBIE ALLEN
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

TUESDAY, MAY 23, 2000

Mr. McNINIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado’s leading ladies, State Representative Debbie Allen. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Allen’s dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House in 1992, a seat she would hold until present. Representative Allen rose quickly to positions of great importance within the House. Debbie served as the chairman of the Education Committee. Some of her key issues have been crime, law enforcement and educational reform. Debbie is also a Republican activist, serving as the President of the Aurora Republican forum. Representative Allen also received many honors. She received the Top Metro Legislator award, Friend of Agriculture award, CU Alumni Legislative Award, and the Junior League Champion for Small Children Award. Debbie also received the 5 year award for a 4-H leather instructor.

2000 marked the end of Representative Allen’s tenure in the State House of Representatives. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Allen a debt of gratitude and I wish her well.

HONORING WOMEN WHO HAVE SERVED, Fought AND DIED FOR FREEDOM

HON. LANE EVANS
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

TUESDAY, MAY 23, 2000

Mr. EVANS. Mr. Speaker, from our nation’s founding, we have witnessed the contributions of women who served in the military, both in peacetime and during conflict. Women have served with distinction throughout our nation’s history.

Today, I am honored to recognize the contributions of those women who have served our country. Women have answered the call to duty without hesitation. They have served their nation, their goals, and their dreams on hold to serve their country. Women’s participation in the military dates back as early as the Revolutionary War when in June of 1778 at Monmouth Courthouse a woman came to the aid of General George Washington and his weary troops. Moving across the battlefield binding wounds and dispensing water, this woman, who became known as “Molly Pitcher”, noticed that one of the gun positions had ceased firing. She quickly put down her water pitcher, took over the gun position and fired her cannon. She stayed at her station until relieved by artillerymen. Historians recorded her deeds and actions while her true identity is not known. “Molly Pitcher” is representative of the women who have served our country.

Women’s Memorial is an inspiring monument that we too often take for granted. None of us who have served in our country’s armed forces will ever doubt the importance of the service of women in the military. Accounting for an increasing percentage of those in uniform today, women now hold positions of leadership and achievement few would have predicted, even as recently as World War II.

Today a special observance will be held to honor the women who have served in the Armed Forces. Fittingly, this observance will be held at the Women in Military Service for America Memorial. This will be the third annual observance, honoring women who have served admirably in our armed services, some of whom have made the ultimate sacrifice so that Americans may enjoy the liberty and freedom we too often take for granted.

Dedicated on October 18, 1997, the Women’s Memorial is an inspiring monument that honors and illustrates America’s service women throughout history. Sited at the ceremonial entral of my nation’s Memorial, it is the nation’s only major national memorial honoring women who have served in uniform in and between our nation’s wars.

I join with many of my colleagues today in saluting the women who have proudly and honorably served in our Nation’s military. The debt which we owe them is great and it is most appropriate to pause today to pay them tribute for their individual and collective contributions to our Nation.
Mr. OLVER. Mr. Speaker, I rise today to commend Secretary Madeleine K. Albright for articulating the United States' willingness to engage Iran after Majlis (parliamentary) victories for Iranian reformers. Her effort to expand cultural and economic ties with Iran is wise and appropriate. While I do not condone the egregious violations of human rights and international law that routinely take place in Iran, we must make it clear to reformers there that the U.S. is eager to reciprocate moves toward a friendlier relationship.

Through the election of Mohammad Khatami and his pro-reform allies in the Iranian parliament, the Iranian people have expressed a desire to moderate their nation's conservative Islamic government. Ali Khamene'i and Iran's other religious leaders, who hold ultimate control over virtually all Iranian policy, have, for the most part, allowed Iran's new elected leadership to take their places in the Majlis. However, the Washington Post recently reported that the Council of Guardians has overturned several electoral victories for reformers at the provincial level, in addition to manipulating Iran's electoral institutions to favor conservatives in parliamentary runoffs. I believe that while the electoral victories represent an important victory for democracy in Iran, the tenuousness of those victories highlights the degree to which Iran's major institutions are still controlled by a handful of oligarchs. There is much work to be done on these issues.

I would also like to recognize the work of Iranian-American citizens who have worked hard to open economic ties between the U.S. and Iran. I hope that the lifting of luxury imports and increase in travel visas that Secretary Albright announced in her speech will provide the level of quality education that Fox Tech School Award. In receiving this special recognition, I believe that Fox Tech High School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from the Houston area.

Mr. McINTYRE. Mr. Speaker, I rise today to commend Mr. G. N. McPherson for his many years of public service and to recognize the career of one of Colorado's leading statesmen, Colorado Representative Gary McPherson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative McPherson's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, he served on the Appropriations and Judiciary Committees. He dealt with legislation regarding minors and smoking. He has also worked very aggressively on education, crime and welfare reform. Gary was also the vice chairman and the board member of the Arapahoe County Recreation District. Representative McPherson received many honors. He was named CACI Legislator of the Year and received the Aurora Public Schools' Superintendents' award.

2000 marked the end of Representative McPherson's tenure in the State House of Representatives. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative McPherson a debt of gratitude and I wish him well.
above. From that altitude, armed with the responsibility and collective memory of our people's history, one can see the past, present and future. We were given the opportunity to either reinforce or destroy the memory of threats that faced the Jewish nation. And we committed ourselves to diminish the threats to future generations.

However, the dangers to humanity are not always military in nature. They are also found in the realm of ideas: in the promotion of evil, in the active denial of evil, or even in the refusal to see evil. The United States played an important role in the founding of the State of Israel, as a shelter for the Jewish people. The commandment "To Remember" is also a reminder to remember the positive, and so we will. The Jewish people remember the American role. The Jewish people see the United States as a symbol and example of moral principle and justice. We pray that this superpower will continue to lead the world so that tragedies such as the Shoah will never be repeated in the 21st century.

COMBATING FRAUD AND ABUSE IN THE CHILD AND ADULT CARE FOOD PROGRAM

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2000

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to combat fraud and abuse in the Child and Adult Care Food Program (CACFP). Since 1975, when the Child and Adult Care Food Program became a separate program under the National School Lunch Act, it has provided nutritious meals and snacks to children in day care facilities and family day care homes. It operates in 37,000 day care centers and 175,000 day care homes.

Unfortunately, in recent years there have been reports of widespread fraud and abuse and deficient management practices in the program. This has meant that the full value of the nutrition benefits the program delivers has not been enjoyed by many participating children. Sadly, funds that could be better used to serve children have ended up in the hands of unscrupulous program sponsors and care providers.

Hopefully, this bill puts an end to this practice. We limit it to the approximately 2.7 million children participating in this program to end the fraud, abuse, and mismanagement that is depriving them of the nutritious meals.

In August, 1999, the Office of the Inspector General (IG) at the United States Department of Agriculture (USDA) report on fraud and abuse in the Child and Adult Care Food program. This report, "Presidential Initiative: Operation Kidde Care," found that the program was highly vulnerable to abuse because most of the controls for combating fraud were vested in CACFP sponsors without any federal or state oversight. The IG found that some sponsors were using program funds for personal use and depleting the funds available to provide an effective food service program to children in day care.

Three months later (November, 1999) the General Accounting Office (GAO) issued their report, entitled, "Food Assistance: Efforts to Control Fraud and Abuse in the Child and Adult Care Food Program Should Be Strengthened." The GAO report found that the Food and Nutrition Service (FNS) had not effectively directed the states' efforts to protect against fraud and abuse. According to the GAO, state agencies claimed that a lack of resources, inadequate training in the identification of fraud and abuse, and regulations on the removal of noncompliant sponsors were among the reasons why they could not strengthen the amount of control over the fraud and abuse.

To address the issues raised in these two reports, I have worked with the Early Childhood and Youth, and Families Subcommittee Chairman, Congressman MIKE CASTLE, and his Ranking Member, Congressman DALE KILDEE, the nutrition community, and the Department of Agriculture to develop a proposal that will address many of the concerns raised by the IG, the GAO, and the nutrition community. The legislation outlined below will go a long way toward ending fraud and abuse in the Child and Adult Care Food Program. Key provisions of this proposal would:

- Require the IG to conduct an independent assessment of the fraud, abuse, and mismanagement that is occurring in the program.
- Require the IG to develop procedures for the immediate suspension of sponsors and providers as part of their ongoing investigations of fraud and abuse.
- Require the IG to make available audit dollars to the states.
- Require the Department of Agriculture to use federal and state resources to address fraud and abuse.
- Require the Department of Agriculture to issue guidance on how states should use federal and state resources to address fraud and abuse.
- Require the Department of Agriculture to establish minimum standards for the management of the program.
- Require the Department of Agriculture to provide for the immediate suspension of sponsors and providers as part of their ongoing investigations of fraud and abuse.
- Require the Department of Agriculture to use federal and state resources to address fraud and abuse.
- Require the Department of Agriculture to issue guidance on how states should use federal and state resources to address fraud and abuse.

The legislation outlined below will go a long way toward ending fraud and abuse in the Child and Adult Care Food Program. This has meant that the full value of the program. This has meant that the full value of the program. The legislation outlined below will go a long way toward ending fraud and abuse in the Child and Adult Care Food Program. Key provisions of this proposal would:

- Require the IG to conduct an independent assessment of the fraud, abuse, and mismanagement that is occurring in the program.
- Require the IG to develop procedures for the immediate suspension of sponsors and providers as part of their ongoing investigations of fraud and abuse.
- Require the IG to make available audit dollars to the states.
- Require the Department of Agriculture to use federal and state resources to address fraud and abuse.
- Require the Department of Agriculture to issue guidance on how states should use federal and state resources to address fraud and abuse.
- Require the Department of Agriculture to establish minimum standards for the management of the program.
- Require the Department of Agriculture to provide for the immediate suspension of sponsors and providers as part of their ongoing investigations of fraud and abuse.
- Require the Department of Agriculture to use federal and state resources to address fraud and abuse.
- Require the Department of Agriculture to issue guidance on how states should use federal and state resources to address fraud and abuse.

Finally, it appears that this bill will result in a small amount of savings in mandatory spending. It is my intention to work closely with Congressman KILDEE and others to ensure that these resources are used in a responsible way. In particular, in addition to economic benefits of these savings, we also should explore ways to use these savings to improve the health and maintenance of those served by federal nutrition programs.

Mr. Speaker, I want to thank Chairman CASTLE, Congressman KILDEE, the U.S. Department of Agriculture, and the nutrition community for working with me to develop this proposal. We created the Child and Adult Care Food Program to benefit children, not line the pockets of unprincipled sponsors and providers. I believe the bill we are introducing today will accomplish that the program works the way it was originally intended. Most importantly, it will give the states and the Department of Agriculture the tools they need to attain the goals set for the program. I urge my colleagues to support this important legislation to put an end to the waste, fraud, and abuse that has plagued this program.
Summer Olympic Games. He is a man of vision; whose integrity, responsiveness, and hard work are legendary.

Wayne and his wife, Anne, have three grown children, and reside in Snellville, Georgia. They attend the First Baptist Church of Lawrenceville where he has served as a Deacon. Wayne will bring an end to this phase of an outstanding public career, when he retires on May 31, 2000. I congratulate Wayne, and wish him and his family the very best. The state of Georgia, and all who travel within its borders, are in his debt.

HONORING SHARON CHRISTA MCAULIFFE JUNIOR HIGH SCHOOL IN SAN ANTONIO, TEXAS

HON. CHARLES A. GONZALEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. GONZALEZ. Mr. Speaker, today I offer my sincerest congratulations to Sharon Christa McAuliffe Junior School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Sharon Christa McAuliffe Junior High is among eight schools in San Antonio and 198 schools nationally, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Sharon Christa McAuliffe Junior High will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

HONORING RON MAY
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado’s leading statesmen, State Representative Ron May. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative May’s dynamic leadership will be greatly missed and difficult to replace.

Elected to the Texas House of Representatives in 1992, a seat he would hold to the present time, he sponsored many bills on workers’ compensation, unemployment, insurance, highway speed limits, right-to-work legislation and information systems. He works diligently to bring him to the floor on a whole range of technological issues.

Representative May received many honors. In 1996 he received the National Right to Work Legislator of the Year award, the NFIB Guardian of Small Business award in 1994 and the CACI Business Legislator of the Year award.

2000 marked the end of Representative May’s tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative May a debt of gratitude and I wish him well.

HONORING RABBI ALBERT MICAH LEWIS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. EHLERS. Mr. Speaker, today I pay tribute to Rabbi Albert Michah Lewis, who is retiring from Congregation Emanuel in my home city of Grand Rapids, Michigan after 28 years of leadership. Not only has he been a tremendous force within his congregation, Rabbi Lewis has also provided outstanding leadership and dedication to numerous organizations and projects within our community. His strong academic background and intellectual ability have led to national respect for his work and writings. Even though he is ending his day-to-day role at Temple Emanuel, Rabbi Lewis will continue to be a driving force in Grand Rapids. He will continue his duties as an Adjunct Associate Professor of Psychology and Gerontology at Aquinas College where he has been teaching since 1972. He will also remain as an Adjunct Associate Professor of Psychology and Gerontology at Aquinas College, and will continue on the staff at Hope College as an Adjunct Professor of Jewish Studies, where he has served since 1994.

Rabbi Lewis’ contributions to our community have been numerous and generous; they could easily fill many pages in the CONGRESSIONAL RECORD. I will highlight just a few of his many contributions. He is the founder and coordinator of Interfaith Forum for Understanding and Growth. He also founded and served as President of the Hospice of Greater Grand Rapids and the Western Michigan Chapter of the Michigan Society for Gerontology. In 1999 he was honored as Man of the Year by the Jewish Community Fund of Grand Rapids. Earlier this year, he was appointed to the Executive Committee of the Anti-Defamation League of Michigan and to the Board of Directors of the Henri Nouwen Literary Society. He has also authored numerous publications on a variety of subject matters.

HONORING ASSOCIATED BUILDERS AND CONTRACTORS ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. GOODLING. Mr. Speaker, I rise today to honor Associated Builders and Contractors as it prepares to celebrate its 50th Anniversary Convention in Baltimore beginning May 31.

Associated Builders and Contractors (ABC) is a national trade association representing over 22,000 contractors, subcontractors, material suppliers and related firms from across the country and from all specialties in the construction industry. Seven contractors called the very first ABC meeting to order on June 1, 1950 in Baltimore, Maryland. Since that day, ABC has been the industry’s voice for merit shop construction.

ABC is the only national association devoted to the merit shop philosophy, which aims to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry. Merit shop companies employ approximately 80 percent, or 4 out of 5, of all construction workers in the nation.

ABC believes that union and merit shop (open shop) contractors and their employees should work together in harmony and that work should be awarded to the lowest responsible bidder regardless of labor affiliation.

ABC is committed to developing a safe workplace and high-performance work force through quality education and training with comprehensive safety and health programs. ABC is dedicated to fighting for free enterprise, fair and open competition, less government, more opportunities for jobs, tax relief, increased training, and elimination of frivolous complaints and over-regulation. ABC promotes and defends the individual’s rights to unlimited opportunities. Merit shop construction provides unlimited growth and career advancement to workers who recognize the value of hard work and dedication.

Mr. Speaker, I send my sincere best wishes as Associated Builders and Contractors celebrates this milestone in its history. It is with great pride and appreciation that I recognize the accomplishments of this fine group.
COMMEMORATING THE CENTENNIAL OF RAISING THE U.S. FLAG IN AMERICAN SAMOA

HON. PATSY T. MINK OF HAWAII

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mrs. MINK of Hawaii. Mr. Speaker, today I express my heartiest congratulations to the people of American Samoa and to Samoans living in Hawaii and throughout the United States in recognition of the Centennial of the Raising of the United States Flag in American Samoa.

Flag Day, which is celebrated on April 17th, is the biggest holiday in American Samoa and is observed by Samoans throughout the world. The importance of this holiday is a reflection of the pride the people of Samoa take in their affiliation with the United States.

Samoans have demonstrated their loyalty and commitment to the United States through service in our Nation’s wars. In fact, the per capita rate of enlistment in the Armed Forces among American Samoans is among the highest in the United States.

For more than 30 years, the Samoa Flag Day Festival has been observed in Hawaii. It is a celebration of our shared history, of the contributions Samoans have made to our Nation and to the State of Hawaii, and of the rich culture and traditions of Fasamoa. The Festival includes sports competitions, cultural demonstrations, singing, dancing, and food. I take this opportunity to send my warmest aloha to my esteemed colleague, the Honorable Eni Faleomavaega, and to all the people of American Samoa.

COLORADO STATE SENATOR MARYANE TEBEDO

HON. SCOTT McINNIS OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. McINNIS of Colorado. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado’s leading statesmen, State Senator MaryAnne Tebedo. In doing so, I would like to honor this individual who, for many years, has exemplified the notion of public service and civic duty. It is clear that Senator Tebedo’s dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado Senate in 1988, she was the chairman of the State of Veterans Military Affairs Committee and served on the Finance Committee. She also served as parliamentarian. She worked hard on issues concerning concealed weapons, State boards and highways.

Senator Tebedo received many honors. In 1992 she received the NFIB Guardian of Small Business Award, the CACI Business Legislative Leadership Award. She was also honored by Freedom Magazine as a Human Rights Advocate.

This year marked the end of Senator Tebedo’s tenure in elected office. Her career embodied the citizen-leader model and a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Tebedo a debt of gratitude and I wish her well.

HONORING SAM SMITH

HON. GEORGE R. NETHERCUTT, JR. OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. NETHERCUTT. Mr. Speaker, today, I honor Sam Smith, a great citizen from the State of Washington.

Dr. Smith retires this year, after fifteen years as President of Washington State University. His leadership transformed WSU from a single campus in Pullman to a nationally recognized, statewide university. Dr. Smith increased student access to Washington State University by establishing WSU Learning Centers in eleven counties and expanding WSU’s presence in underserved areas with branch campuses in Spokane, the Tri-Cities and Vancouver.

Dr. Smith also presided over the most successful fundraising campaign in the history of Washington State University. Campaign WSU, the university’s first comprehensive fund-raising effort, raised more than $275 million and had the highest alumni-giving rate of all public universities in the country.

Dr. Smith led academic programs and research efforts that resulted in Washington State University national rankings as one of the best public universities in America, including a ranking, last year, as the most wired public university in the nation.

Dr. Smith was president in 1998 when the Washington State Cougar football team was Pac-10 champion and competed in the Rose Bowl for the first time in 67 years.

I thank Dr. Smith for his service to Washington State University and Washington State and ask that he and his wife, Pat, remain friends with both in their retirement as both remain friends with them.

THE CASE AGAINST BIGOTRY

HON. BARNEY FRANK OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I recently saw an editorial of such eloquence and passion that I believe it should be shared with the membership of this body. Since we from time to time deal with issues involving the rights of gay and lesbian people, I believe it is extremely important for Members to read this mother’s cry for justice and I hope that it will factor into the decisions we make in the future.

[For the Valley News (White River Junction, VT), Hanover, NH, April 30, 2000]

(By Sharon Underwood)

As the mother of a gay son, I’ve seen firsthand how cruel and misguided people can be. Many letters have been sent to the Valley News concerning the homosexual menace in Vermont. I am the mother of a gay son and I’ve taken enough from you people. I’m tired of your foolish rhetoric about the “homosexual agenda” and your allegations that accepting homosexuality is the same thing as advocating sex with children. You are cruel and ignorant. You have been robbing me of the joys of motherhood ever since my children were born.

My firstborn son started suffering at the hands of the moral little thugs from your moral, upright families from the time he was in the first grade. He was physically and verbally abused from first grade straight through high school because he was perceived to be gay.

He never professed to be gay or had any association with anyone gay, but he had the misfortune not to walk around like the other boys. He was called “fag” incessantly, starting when he was 6.

In high school, while your children were doing what kids that age are doing, I labored over a suicide note, drafting and redrafting it to be sure his family knew how much he loved them. My sobbing 17-year-old tore the heart out of me, as he choked out that he just couldn’t bear to continue living any longer, that he didn’t want to be gay and that he couldn’t face a life without dignity.

You have the audacity to talk about protecting families and children from the homosexual menace, while you yourselves tear apart families and drive children to despair. I don’t know why my son is gay, but I do know that God didn’t put him, and millions like him, in a barrel and hand over to a bad habit to abuse. God gave you brains so that you could think, and it’s about time you started doing that.

At the core of all your misguided beliefs is the belief that this could never happen to you, that there is some kind of subculture that people have to join. The fact is that if it can happen to my family, it can happen to yours, and you won’t get to choose. Whether it is genetic or what something or someone did during the critical time of fetal development, I don’t know. I can only tell you with an absolute certainty that it is inborn.

If you want to tout your own morality, you’d best come up with something more substantive than your heterosexuality. You did nothing to earn it; it was given to you. If you disagree, I would be interested in hearing your story, because my own heterosexuality was a blessing I received with no effort whatsoever on my part. It is so woven into the very soul of me that nothing could ever change it. For those of you who reduce sexual orientation to a simple choice, I remind you that there is some kind of subculture that people have to join.

A popular theme in your letters is that Vermont has been infiltrated by outsiders. Both sides of my family have lived in Vermont for generations. I am heart and soul a Vermonter, so I’ll thank you to stop saying that you are speaking for “true Vermonters.”

You invoke the memory of the brave people who have fought on the battlefield for this great country, saying that they didn’t give their lives so that the “homosexual agenda” could tear down culture. I’d like to see what they died defending. My 83-year-old father fought in some of the most horrific battles of World War II, was wounded and awarded the Purple Heart.

He shakes his head in sadness at the life his grandson has had to live. He says he could never imagine his grandson in those battles, that they did their part and bothered no one. One of his best friends in the service was gay, and he never knew it until the end, and neither did his friend.

You could do the same for him, which would be asgetIdm not at all. That wasn’t the measure of a man.

You religious folk just can’t bear the thought that anyone might come from the house of God. You don’t want to find a lifelong companion and have a measure of happiness. It offends your sensibilities.
that he should request the right to visit that companion in the hospital, to make medical decisions for him or to benefit from tax laws governing inheritance.

How dare he? you say. These outrageous request would threaten the very existence of your family, would undermine the sanctity of marriage.

You use religion to abdicate your responsibility to be thinking human beings. There are vast numbers of religious people who find you attitudes repugnant. God is not for the privileged majority, and God knows my son has committed no sin.

The deep-thinking author of a letter to the April 12 Valley News who lectures about homosexual sin and tells us about “those of us who have been blessed with the benefits of a religious upbringing” asks: “What ever happened to the idea of striving ... to be better human beings than we are?”

Indeed, sir, what ever happened to that?

(Sharon Underwood lives in White River Junction, VT)

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 23, 2000

Mr. FORD. Mr. Speaker, on Thursday, May 18, I was unable to cast a vote for final passage on H.R. 4205, the National Defense Authorization Act for FY 2001 and 6 amendments.

For rollcall vote No. 202, the Skelton amendment, I would have voted “yes.”

For rollcall vote No. 203, the Sanchez amendment, I would have voted “yes.”

For rollcall vote No. 204, the Moakley amendment, I would have voted “yes.”

For rollcall vote No. 205, the Cox amendment, I would have voted “yes.”

For rollcall vote No. 206, the Buyer substitute amendment to the Taylor amendment, I would have voted “no.”

For rollcall vote No. 207, the Taylor amendment, I would have voted “yes.”

For rollcall vote No. 208, Final Passage of H.R. 4205, I would have voted “yes.”

Mr. Speaker, on Monday, May 22, I was unable to cast votes for H.R. 3852, the deadline extension for construction of a hydroelectric project in Alabama, S. 1236, the deadline extension for construction of the Arrowrock Dam hydroelectric project in Idaho, and H. Con. Res. 302, concerning a National Moment of Remembrance to Honor Men and Women of the U.S. Who Died in Pursuit of Freedom and Peace.

For rollcall vote No. 211, H.R. 3852, I would have voted “yes.”

For rollcall vote No. 212, S. 1236, I would have voted “yes.”

For rollcall vote No. 213, H. Con. Res. 302, I would have voted “yes.”
Daily Digest

HIGHLIGHTS

The House also passed 11 measures including bills to authorize a Congressional Gold Medal to be awarded to Pope John Paul II and to designate the State Department Headquarters as the “Harry S Truman Federal Building.”

Senate

Chamber Action

Routine Proceedings, pages S4241–S4335

Measures Introduced: Fourteen bills and seven resolutions were introduced, as follows: S. 2602–2615, S. Res. 309–313, and S. Con. Res. 114–116.

Measures Reported: Reports were made as follows:
H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, with an amendment in the nature of a substitute. (S. Rept. No. 106–299)
S. 1089, to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, with an amendment in the nature of a substitute. (S. Rept. No. 106–300)
S. 2327, to establish a Commission on Ocean Policy. (S. Rept. No. 106–301)
H.R. 1651, to amend the Fishermen’s Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, with an amendment. (S. Rept. No. 106–302)
Special Report entitled “Revised Allocation to Subcommittees of Budget Totals, Fiscal Year 2001”.
S. 2089, to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, with an amendment in the nature of a substitute.

Measures Passed:

Commending Israel Redeployment: Senate agreed to S. Con. Res. 116, commending Israel’s redeployment from southern Lebanon.

Honoring Members of U.S. Marine Corps: Senate agreed to S. Res. 310, honoring the 19 members of the United States Marine Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths.

Women-Owned Small Business Opportunities: Senate agreed to S. Res. 311, to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses.

Senate Legal Representation: Senate agreed to S. Res. 312, to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han.

Senate Legal Representation: Senate agreed to S. Res. 313, to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

National Child’s Day: Senate agreed to S. Res. 296, designating June 4, 2000, as “National Child’s Day”, after agreeing to a committee amendment.

Nominations Considered: Senate began consideration of the nominations of Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission, Timothy B. Dyk, of the District of Columbia, to be a United States Circuit Judge for the Federal Circuit, and Gerard E. Lynch, to be a United States District Judge for the Southern District of New York.
A unanimous-consent time agreement was reached providing for further consideration of the aforementioned nominations and certain other nominations, on Wednesday, May 24, 2000, with votes to occur thereon. Pages S4241–42

Legislative Branch Appropriations Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 2603, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, on Wednesday, May 24, 2000, at 11 a.m. Page S4335

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaties:
- Investment Treaty with Bahrain (Treaty Doc. No. 106–25);
- Investment Treaty with Bolivia (Treaty Doc. No. 106–26);
- Investment Treaty with Honduras (Treaty Doc. No. 106–27);
- Investment Treaty with El Salvador (Treaty Doc. No. 106–28);
- Investment Treaty with Croatia (Treaty Doc. No. 106–29);
- Investment Treaty with Jordan (Treaty Doc. No. 106–30);

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and were ordered to be printed. Pages S4329–30

Appointment:
- NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Budapest, Hungary, May 26–30, 2000: Senators Grassley (Acting Chairman), Specter, Enzi, and Voinovich. Page S4334

Messages from the President: Senate received the following messages from the President of the United States:
- Transmitting, pursuant to law, a report entitled the “Agreement on Social Security Between the United States of America and the Republic of Korea on Social Security”; to the Committee on Finance. (PM–109)

Nominations Received: Senate received the following nominations:
- Don Harrell, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2002.
- Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy. (New Position)
- Jayne G. Fawcett, of Connecticut, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2006.

Nominations Withdrawn: Senate received notification of the withdrawal of the following nominations:
- Nicholas P. Godici, of Virginia, to be an Assistant Commissioner of Patents and Trademarks, which was sent to the Senate on January 31, 2000.
- Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research, which was sent to the Senate on April 13, 2000. Page S4335

Messages From the President: Pages S4295–96
Messages From the House: Page S4296
Measures Referred: Page S4296
Statements on Introduced Bills: Pages S4297–4321
Additional Cosponsors: Pages S4321–23
Notices of Hearings: Page S4327
Authority for Committees: Page S4327
Additional Statements: Pages S4290–95
Privileges of the Floor: Page S4327
Adjournment: Senate convened at 9:31 a.m., and adjourned at 7:01 p.m., until 10 a.m., on Wednesday, May 24, 2000. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4335.)

Committee Meetings
(Committees not listed did not meet)

STRATEGIC NUCLEAR FORCE
Committee on Armed Services: Committee concluded open and closed hearings on United States strategic nuclear force requirements, after receiving testimony from Walter B. Slocombe, Under Secretary of Defense for Policy; Gen. Henry H. Shelton, USA, Chairman, Joint Chiefs of Staff; Gen. Eric K. Shinseki, USA, Chief of Staff, United States Army;

**HUD HOMELESS ASSISTANCE PROGRAMS**

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded hearings to examine the consolidation of HUD’s homeless assistance programs, focusing on the requirements and administration of the Emergency Shelter Grants program, the Supportive Housing program, the Shelter Plus Care program, and the Section 8 Single-Room Occupancy program and the potential need for program consolidation, after receiving testimony from Stanley J. Czerwinski, Associate Director, Housing and Community Development Division, General Accounting Office; Fred Karnas, Deputy Assistant Secretary of Housing and Urban Development for Special Needs Programs; Barbara Richardson, Rockford Department of Community Development, Rockford, Illinois, on behalf of the U.S. Conference of Mayors, the National League of Cities, and the National Association of Counties; William C. Shelton, Virginia Department of Housing and Community Development, Richmond, on behalf of the Council of State Community Development Agencies; John Parvensky, Colorado Coalition for the Homeless, Denver; Richard H. Godfrey, Jr., Rhode Island Housing and Mortgage Finance Corporation, Providence, on behalf of the National Council of State Housing Agencies; and Nan P. Roman, National Alliance to End Homelessness, Washington, D.C.

**HYDROELECTRIC LICENSING PROCESS IMPROVEMENT**

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, after receiving testimony from David J. Hayes, Deputy Secretary of the Interior; James J. Hoecker, Chairman, Federal Energy Regulatory Commission, Department of Energy; Dennis C. Lewis, Petersburg Municipal Power and Light, Petersburg, Alaska; Andrew Fahlund, American Rivers, Washington, D.C., on behalf of the Hydropower Reform Coalition; Terry Hudgens, PacifiCorp, and Randy Settler, Yakama Nation, on behalf of the Columbia River Inter-Tribal Fish Commission, both of Portland, Oregon; Lionel Topaz, Grant County Public Utility District, Ephrata, Washington; and Kevin Snape, Clean Air Conservancy, Cleveland Heights, Ohio.

**WATER RESOURCE DEVELOPMENT**

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded hearings to examine programs related to the proposed Water Resources Development Act of 2000, include the Puget Sound Restoration Project, the Port of New York and New Jersey Project, the Ohio River Project, Brownfields revitalization, and the National Shore Protection Act of 1996, after receiving testimony from Joseph W. Westphal, Assistant Secretary of the Army for Civil Works; Mayor Dannel Malloy, Stamford, Connecticut, on behalf of the National Association of Local Government Environmental Professionals; Doug Sutherland, Pierce County Executive’s Office, Tacoma, Washington; Lillian Borrone, Port Authority of New York and New Jersey, New York, New York; R. Barry Palmer, Association for the Development of Inland Navigation in America’s Ohio Valley, Pittsburgh, Pennsylvania; and Howard D. Marlowe, American Coastal Coalition, Washington, D.C.

**IMF AND WORLD BANK REFORM**


**IRS RESTRUCTURING**

Committee on Small Business: Committee held hearings on Internal Revenue Service restructuring issues, focusing on IRS efforts to reduce the taxpayer burden of the small business community, receiving testimony from Charles O. Rossotti, Commissioner, Internal Revenue Service, Department of the Treasury; Cornelia M. Ashby, Associate Director, Tax Policy and Administration Issues, General Government Division, General Accounting Office; and Sandra A. Abalos, Abalos and Associates, Phoenix, Arizona, and Roy M. Quick, Jr., Quick Tax and Accounting Service, St. Louis, Missouri, both on behalf of the IRS Electronic Tax Administration Advisory Committee.

Hearings recessed subject to call.
House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 4515–4527; and 2 resolutions, H. Con. Res. 333 and H. Res. 509, were introduced.

Reports Filed: Reports were filed today as follows:

- H.R. 297, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, amended (H. Rept. 106±633);
- H.R. 2498, to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices, amended (H. Rept. 106±634);
- H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 (H. Rept. 106±635);
- H. Res. 510, providing for consideration of H.R. 3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services (H. Rept. 106±636);
- H. Res. 511, providing for consideration of H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China (H. Rept. 106±637); and
- H.R. 2764, to license America’s Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, amended (H. Rept. 106±638).

Recess: The House recessed at 9:41 a.m. and reconvened at 10:00 a.m.


Agreed to the Committee amendment in the nature of a substitute made in order by the rule.

Agreed To:

Traficant amendment, No. 3 printed in the Congressional Record debated on Monday, May 22, that requires a report on the effects of foreign espionage on United States trade secrets (agreed to by a recorded vote of 407 ayes to 1 no, Roll No. 215); and

Traficant amendment, No. 4 printed in the Congressional Record debated on Monday, May 22, that requires a report within 60 days by the Director of Central Intelligence on whether the policies and goals of the People’s Republic of China constitute a threat to our national security (agreed to by a recorded vote of 404 ayes to 8 noes, Roll No. 216).

Rejected the Roemer amendment, No. 1 printed in the Congressional Record debated on Monday, May 22, that sought to require an annual statement of the total amount of intelligence expenditures for the preceding fiscal year (rejected by a yea and nay vote of 175 yeas to 225 nays, Roll No. 214).

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill.

House agreed to H. Res. 506, the rule that provided for consideration of the bill on May 19.

Suspensions: The House agreed to suspend the rules and pass the following measures:

- Lewis and Clark Rural Water System: H.R. 297, amended, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system (passed by a yea and nay vote of 400 yeas to 13 nays, Roll No. 217). The Clerk was authorized to make technical and conforming changes in the engrossment of the bill; Pages H3538–40, H3581–82, H3583

- Raising of the United States Flag in American Samoa: H. Res. 443, amended, expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa (agreed to by a yea and nay vote of 417 yeas with none voting “nay”, Roll No. 218); Pages H3540–43, H3582–83

- Pope John Paul II Congressional Gold Medal: H.R. 3544, amended, to authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding (passed by a yea and nay vote of 416 yeas to 1 nay, Roll No. 219). Agreed to amend the title; Pages H3543–48, H3583
Veterans and Dependents Millennium Education Act: S. 1402, amended, to amend title 38, United States Code, to enhance programs providing education benefits for veterans (passed by a yea and nay vote of 417 yeas to 3 nays, Roll No. 220). Agreed to amend the title; Pages H3548–58, H3593–94

Recognition of World War II Minority Veterans: H.J. Res. 98, supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. Subsequently the House passed S.J. Res. 44, a similar Senate-passed bill—clearing the measure for the President. H.J. Res. 98 was then laid on the table; Pages H3558–63


INS Data Management Improvement: H.R. 4489, to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; Pages H3568–76

Private Mortgage Insurance Technical Corrections and Clarification: H.R. 3637, to amend the Homeowners Protection Act of 1998 to make certain technical corrections; Pages H3578–81

Cardiac Arrest Survival Act: H.R. 2498, amended, to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices (passed by a yea and nay vote of 415 yeas to 2 nays, Roll No. 222; and Pages H3584–88, H3595

Harry S Truman Federal Building: H.R. 3639, amended, to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the “Harry S Truman Federal Building” (passed by a yea and nay vote of 413 yeas with none voting “nay”, Roll No. 223). Pages H3588–93, H3595–96

Hmong Veterans’ Naturalization Act of 2000: The House agreed to the Senate amendment to H.R. 371, to expedite the naturalization of aliens who served with special guerrilla units in Laos—clearing the measure for the President. Pages H3576–78

First Sponsor of Captive Exotic Animal Protection Act: Agreed that Representative Franks of New Jersey be hereafter considered as the first sponsor of H.R. 1202, to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals, a bill originally introduced by the late Representative George Brown of California, for the purpose of adding cosponsors and requesting printings under clause 7 of rule 12. Page H3563

Normal Trade Relations Treatment to China: The House completed two hours of debate on H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China pursuant to a unanimous consent request. Consideration will resume on Wednesday, May 24. Pages H3596–H3615

Earlier, agreed that it be in order to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill; that the first reading be dispensed with; that all points of order against its consideration be waived; that general debate proceed without intervening motion, be confined to the bill, and be limited to two hours equally divided among and controlled by the Chairman and ranking minority member of the Committee on Ways and Means, Representative Stark or his designee, and Representative Rohrabacher or his designee; that after debate the Committee of the Whole rise without motion; and that no further consideration of the bill be in order except pursuant to a subsequent order of the House. Page H3593

Amendments: Amendments ordered printed pursuant to the rule appear on page H3650.

Quorum Calls—Votes: Six yea and nay votes and four recorded votes developed during the proceedings of the House today and appear on pages H3535–36, H3536, H3537, H3581–82, H3582–83, H3583, H3593–94, H3594–95, H3595, and H3595–96. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at midnight.

Committee Meetings

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies approved for full Committee action the VA, HUD and Independent Agencies appropriations for fiscal year 2001.

U.S.—TERRORIST THREATS

Committee on Armed Services: Special Oversight Panel on Terrorism held a hearing on terrorist threats to
the United States. Testimony was heard from public witnesses.

**CHINA—PERMANENT NORMAL TRADE RELATIONS**

*Committee on Commerce:* Subcommittee on Finance and Hazardous Materials held a hearing entitled: “PNTR: Opening the World’s Biggest Potential Market to American Financial Services Competition.” Testimony was heard from public witnesses.

**DEPARTMENT OF ENERGY—WHISTLEBLOWERS**

*Committee on Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled: “Whistleblowers at Department of Energy Facilities: Is There Really ‘Zero Tolerance’ for Contractor Retaliation?” Testimony was heard from Mary Anne Sullivan, General Counsel, Department of Energy; Joe Gutierrez, Assessor, Audits and Assessment Division, Los Alamos National Laboratory; and public witnesses.

**INTERNET—OBSCENE MATERIAL AVAILABLE**

*Committee on Commerce:* Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Obscene Material Available via the Internet. Testimony was heard from Alan Gershel, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

**WEALTH THROUGH THE WORKPLACE ACT**


**SECRET EVIDENCE REPEAL ACT**

*Committee on the Judiciary:* Held a hearing on H.R. 2121, Secret Evidence Repeal Act of 1999. Testimony was heard from Representatives Campbell and Bonior; the following officials of the Department of Justice: Larry R. Parkinson, General Counsel, FBI; and Bo Cooper, General Counsel, Immigration and Naturalization Service; and public witnesses.

**OVERSIGHT—FEDERAL PUBLIC LANDS POLICIES**

*Committee on Resources:* Held an oversight hearing on Funding of Environmental Initiatives and their Influence on Federal Public Lands Policies. Testimony was heard from public witnesses.

**BISCAYNE NATIONAL PARK**

*Committee on Resources:* Subcommittee on National Parks and Public Lands held a hearing on H.R. 3033, to direct the Secretary of the Interior to make certain adjustments to the boundaries of Biscayne National Park in the State of Florida. Testimony was heard from Representatives Ros-Lehtinen, Meek of Florida, Hastings of Florida and Shaw; Denis Galvin, Deputy Director, National Park Service, Department of the Interior; and public witnesses.

**NORTHERN COLORADO WATER CONSERVANCY DISTRICT—WATER CONVEYANCE**

*Committee on Resources:* Subcommittee on Water and Power held a hearing on H.R. 4389, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District. Testimony was heard from Eluid Martinez, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

**CHINA—NORMAL TRADE RELATIONS TREATMENT**

*Committee on Rules:* Granted, by voice vote, a closed rule providing three hours of debate on H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China, equally divided among and controlled by the chairman and ranking member of the Committee on Ways and Means, Representative Stark of California, and Representative Rohrabacher of California. The rule provides that, in lieu of the committee amendment in the nature of a substitute recommended by the Committee on Ways and Means, the amendment in the nature of a substitute printed in the report of the Committee on Ways and Means accompanying the rule shall be considered as adopted. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Crane, English, Bereuter, Hunter, Weldon of Pennsylvania, Levin, Cardin, Markey, Berman, Pelosi and Sherman.

**REPEAL EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATION SERVICES**

*Committee on Rules:* Granted, by voice vote, a closed rule on H.R. 3916, to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services providing one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted upon adoption of the resolution. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Towns and Wynn.
TECHNOLOGY TRANSFER

Committee on Science: Subcommittee on Technology held a hearing on Technology Transfer Challenges and Partnerships: A Review of the Department of Commerce’s Biennial Report on Technology Transfer. Testimony was heard from Kelly H. Carnes, Assistant Secretary, Technology Policy, Technology Administration, Department of Commerce; and public witnesses.

Joint Meetings

RUSSIA HUMAN RIGHTS ABUSES

Commission on Security and Cooperation in Europe: Commission concluded hearings to examine human rights abuses in Russia, focusing on an attack on the Media-Most headquarters in Moscow by armed government security agents, alleged illegally acquired tapes and transcripts, and the war in Chechnya, after receiving testimony from Lt. Gen. William Odom (Ret.), Hudson University, Washington, D.C., former head of the National Security Agency; Igor Malashenko, Media-Most, Moscow, Russia; Sarah Mendelson, Tufts University Fletcher School of Law and Diplomacy, Boston, Massachusetts; Georgi Derlugian, Northwestern University Department of Sociology, Chicago, Illinois; and Rachel Denber, Human Rights Watch, New York, New York.

COMMITTEE MEETINGS FOR WEDNESDAY, MAY 24, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings on the nomination of General John A. Gordon, United States Air Force, to be Under Secretary for Nuclear Security, Department of Energy, 9:30 a.m., SD–222.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up S. 2107, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission; S. 2266, to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; S. 2453, to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity; the nomination of Richard Court Houseworth, of Arizona, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 25, 2001; and the nomination of Nuria I. Fernandez, of Illinois, to be Federal Transit Administrator, 10 a.m., SD–538.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD–366. Subcommittee on Water and Power, to hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 2123, to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; and S. 2181, to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings on the nomination of Marc Grossman, of Virginia, to be Director General of the Foreign Service, Department of State, 9:30 a.m., SD–419.

Committee on Indian Affairs: to hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, 2:30 p.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold oversight hearings to examine the 1996 campaign finance investigations, 9 a.m., SD–226.
House

Committee on Appropriations, to mark up the Labor, Health and Human Services, and Education appropriations for fiscal year 2001, 9:30 p.m., 2359 Rayburn.

Committee on Banking and Financial Services, hearing on Predatory Lending Practices, 9:30 a.m., 2128 Rayburn.

Committee on the Budget, Education Task Force, hearing on “Education Department Fails Accounting 101: The Department of Education's Unreliable Financial Records,” 10 a.m., 210 Cannon.

Natural Resources and the Environment Task Force, hearing on “Management Failures at the National Parks, Oversight Weaknesses with Concession Contracts,” 2 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Energy and Power, hearing on National Energy Policy: Ensuring Adequate Supply of Natural Gas and Crude Oil, 10 a.m., 2322 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans Affairs, and International Relations, hearing on “DoD Chemical and Biological Defense Program: Management and Oversight,” 10 a.m., 2247 Rayburn.

Committee on International Relations, hearing on the U.S. Commission on International Religious Freedom: First Annual Report, 10 a.m., 2172 Rayburn.


Committee on Resources, to consider the following bills: S. 1211, to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; S. 1629, Oregon Exchange Act of 2000; H.R. 1775, Estuary Habitat Restoration Partnership Act of 1999; S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture; H.R. 3023, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; H.R. 3176, to direct the Secretary of the Interior to conduct a study to determine ways of restoring the natural wetlands conditions in the Kealia Pond National Wildlife Refuge, Hawaii; H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina; H.R. 3291, Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act; H.R. 3292, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; H.R. 3468, Duchesne City Water Rights Conveyance Act; H.R. 3535, Shark Finning Prohibition Act; H.R. 3999, Virgin Islands and Guam Constitutional Self-Government Act of 2000; H.R. 4070, to direct the Secretary of the Interior to correct a map relating to the coastal Barrier Resources System Unit P31, located near the city of Mexico Beach, Florida; H.R. 4132, to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984; and H.R. 4435, to clarify certain boundaries on the map relating to Unit NCO1 of the Coastal Barrier Resources System, 11 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 1304, Quality Health-Care Coalition Act of 1999, 2 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Space and Aeronautics, hearing on U.S. Bilateral Space Launch Trade Agreements, 2 p.m., 2318 Rayburn.

Committee on Small Business, hearing on “Online Music: Will Small Music Labels and Entrepreneurs Prosper in the Internet Age?” 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on the Disposal of Obsolete Maritime Administration Vessels, 10 a.m., 21267 Rayburn.
Next Meeting of the SENATE
10 a.m., Wednesday, May 24

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will begin consideration of S. 2603, Legislative Branch Appropriations. Also, Senate will resume consideration of certain nominations with votes to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, May 24

House Chamber

Program for Wednesday: Consideration of H.R. 4444, Extending Normal Trade Relations Treatment to China. (closed rule, 3 hours of debate).

Extensions of Remarks, as inserted in this issue

HOUSE
Barr, Bob, Ga., E810, E813
Ehlers, Vernon J., Mich., E810, E814
Evans, Lane, Ill., E811
Ford, Harold E., Jr., Tenn., E815
Frank, Barney, Mass., E815
Gonzalez, Charles A., Tex., E812, E814
Goodling, William F., Pa., E813, E814
Lantos, Tom, Calif., E809, E812
McInnis, Scott, Colo., E810, E811, E812, E814, E815
Mink, Patsy T., Hawaii, E815
Neal, Richard E., Mass., E811
Nethercutt, George R., Jr., Wash., E815
Olver, John W., Mass., E812

Congressional Record
The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. Public access to the Congressional Record is available online through GPO Access, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about GPO Access, contact the GPO Access User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512-1262; or by calling Toll Free 1-888-293-6498 or (202) 512-1530 between 7 a.m. and 5:30 p.m. Eastern time, Monday through Friday, except for Federal holidays. The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $357.00 per year, or purchased for $3.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (202) 512-1800, or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, or GPO Deposit Account. Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.