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

DESIGNATION OF THE SPEAKER PRO TEMPORE
The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 8, 2000.
I hereby appoint the Honorable John Shimkus to act as Speaker pro tempore on this day.

J. Dennis Hastert, Speaker of the House of Representatives.

PRAYER
The Reverend Father James Scherer, St. Paul the Apostle Church, Greensboro, North Carolina, offered the following prayer:

"To do work carefully and well, with love and respect for the nature of our task and with due attention to its purpose, is to unite ourselves to God's will in our work." Thomas Merton.

Lord, we have no idea where we are going. We do not even see the road ahead. We cannot know for certain where it will end. The fact that we think that we are following Your will does not necessarily mean that we are. We believe, however, the desire to please You does, in fact, please You. We hope we will never do anything apart from that desire. We know You will lead us by the right road. Therefore, we trust You always that You will lead us, and we may not be lost. We will not fear, for You are our guide, and You will never leave us to face our perils alone. Amen.

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

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

The Speaker pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. Foley. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE
The Speaker pro tempore. Will the gentleman from Illinois (Mr. Phelps) come forward and lead the House in the Pledge of Allegiance.

Mr. Phelps led the Pledge of Allegiance as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:
H.R. 454 - An act to designate the Washington Opera in Washington, D.C., as the National Opera.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:
S. 2625 - An act to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations.

The message also announced that pursuant to Public Law 105-389, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, announces the appointment of Robert R. Ferguson III of North Carolina, to serve as a member of the First Flight Centennial Federal Advisory Board.

WELCOMING FATHER JIM SCHERER
(Mr. Coble asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. Coble. Mr. Speaker, I am pleased to welcome Father Jim Scherer from Greensboro, North Carolina as our guest chaplain today, although I did not sponsor Father Jim. Father Jim was sponsored by the gentleman from Pennsylvania (Mr. Weldon) who this session has, in turn, sponsored Father Jim's nephew. I am delighted to welcome Father Jim Scherer to the House today.

Father Jim serves 3 parishes back in the 6th district of North Carolina. Our Lady of Grace, where he conducts weekend mass; and Father Jim, I had the pleasure of addressing the student body at Our Lady of Grace last year; St. Paul the Apostle, and St. Pios for Sunday masses. In addition to that, Father Jim also served as a marriage and family therapist in private practice in Greensboro.

Mr. Speaker, I know my colleagues will join me in extending a warm welcome to Father Jim Scherer as our guest chaplain today.

THE JOURNAL
The Speaker pro tempore. Pursuant to clause 8 of rule XX, the pending
H4044

business is the question of the Speaker’s approval of the Journal of the last
day’s proceedings.
The question was taken; and the
Speaker pro tempore announced that
the ayes appeared to have it.
Mr. BRYANT. Mr. Speaker, I object
to the vote on the ground that a
quorum is not present and make the
point of order that a quorum is not
present.
The SPEAKER pro tempore. Evidently a quorum is not present.
The Sergeant at Arms will notify absent Members.
The vote was taken by electronic device, and there were—yeas 363, nays 45,
answered ‘‘present’’ 5, not voting 21, as
follows:
[Roll No. 246]
YEAS—363
Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer

June 8, 2000

CONGRESSIONAL RECORD — HOUSE

Crowley
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hobson
Hoeffel

VerDate 01-JUN-2000

Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon

00:37 Jun 09, 2000

McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
MillenderMcDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Petri
Phelps
Pickering
Pitts
Pombo
Porter

Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)

Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

The House will be in a brief recess
while the Chamber is being prepared
for the photo. As soon as these preparations are complete, the House will immediately resume its actual session for
the taking of the photograph.
About 15 minutes after that, the
House will proceed with the business of
the House. The 1-minutes will be at the
end of the legislative session today.
For the information of the Members,
when the Chair says, the House will be
in order, we are ready to take our picture. That will be in just a few minutes.
f

RECESS
The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10:30
a.m.
Accordingly (at 10 o’clock and 29
minutes a.m.), the House stood in recess until 10:30 a.m.
f

b

f

NAYS—45
Aderholt
Baird
Baldwin
Bilbray
Borski
Brady (PA)
Costello
Crane
DeFazio
Dickey
English
Fattah
Filner
Green (TX)
Gutierrez

Hall (OH)
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Kucinich
Lewis (GA)
LoBiondo
McDermott
Oberstar
Peterson (MN)
Pickett
Pomeroy
Ramstad

Sabo
Slaughter
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Udall (NM)
Visclosky
Waters
Weller
Wicker
Wu

ANSWERED ‘‘PRESENT’’—5
Barrett (NE)
Carson

Conyers
Levin

Tancredo

RECESS
The SPEAKER. Pursuant to clause 12
of rule I, the Chair declares the House
in recess until approximately 10:50 a.m.
Accordingly (at 10 o’clock and 33
minutes a.m.), the House stood in recess until approximately 10:50 a.m.
f

b

Houghton
Jefferson
Klink
Manzullo
Markey
McIntosh
Obey

f

Peterson (PA)
Radanovich
Rangel
Rohrabacher
Smith (MI)
Tierney
Vento

b 1025
Mr. TAYLOR of Mississippi changed
his vote from ‘‘present’’ to ‘‘nay.’’
So the Journal was approved.
The result of the vote was announced
as above recorded.
f

ANNOUNCEMENT BY THE SPEAKER
The SPEAKER. Pursuant to House
Resolution 407, this time has been designated for the taking of the official
photo of the House of Representatives
in session.

Jkt 079060

PO 00000

Frm 00002

Fmt 4634

1052

AFTER RECESS
The recess having expired, the House
was called to order by the Speaker pro
tempore (Mr. PEASE) at 10 o’clock and
52 minutes a.m.

NOT VOTING—21
Clay
Cummings
Danner
Fossella
Gejdenson
Greenwood
Hinojosa

1030

AFTER RECESS
The recess having expired, the House
was called to order at 10 o’clock and 30
minutes a.m.
(Thereupon the Members sat for the
official photograph of the House of
Representatives for the 106th Congress.)

Sfmt 0634

PROVIDING FOR CONSIDERATION
OF H.R. 4577, DEPARTMENTS OF
LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2001
Ms. PRYCE of Ohio. Mr. Speaker, by
the direction of the Committee on
Rules, I call up House Resolution 518
and ask for its immediate consideration.
The Clerk read the resolution, as follows:
H. RES. 518
Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the
House resolved into the Committee of the
Whole House on the state of the Union for
consideration of the bill (H.R. 4577) making
appropriations for the Departments of Labor,

E:\CR\FM\K08JN7.003

pfrm09

PsN: H08PT1


June 8, 2000

CONGRESSIONAL RECORD—HOUSE

H4045

Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered under the 5-minute rule. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House of Representatives in full.

XVIII. Amendments so printed shall be considered as ordered on the bill and shall be considered as adopted, along with the rule. I want to make a few facts clear about these amendments before the rhetoric starts flying. Under the first amendment, the maximum Pell Grant, which will reach the highest level in history under this bill, will not be reduced. The second amendment provides a mechanism to ensure that the House complies with the fiscal restraints dictated in the budget resolution.

Now, the amendment provides an incentive for the House to remain within the advanced appropriations cap set in the budget resolution. While the amendment does use the child care and development block grant to create this incentive, it also ensures that the child care block grant will not be reduced beyond a certain level, a level that provides for an increase above last year’s spending.

After general debate, the bill will be open for amendment under the 5-minute rule, except that the amendment printed in part B of the Committee on Rules report, to be offered by the gentlewoman from New Mexico (Mrs. Wilson), will be debatable for 10 minutes. Members who have preprinted their amendments in the CONGRESSIONAL RECORD will receive priority on recognition on the basis of whether the Member offering an amendment has caused it to be printed in the CONGRESSIONAL RECORD.

Mr. Speaker, before my good friends and colleagues on the other side of the aisle begin their expected protest of this legislation, I would like to point out some facts as well as the merits of this bill.

**1100**

We will hear my Democratic colleagues claim that there is not adequate funding in this measure, but the bill actually spends $4 billion more than last year. I think in most people’s mind, $4 billion is nothing to sneeze at, and this funding will allow many worthwhile programs to see increased spending under this legislation. This bill balances fiscal responsibility and Government accountability with social responsibility.

Making tough spending decisions and setting priorities is a part of responsible governing that respects the trust our fellow taxpayers have placed in the House or in the Committee of the Whole. All demands for division of the question in the House or in the Committee of the Whole may be offered only by a Member of order against amendments for failure to comply with clause 2(e) of rule XXI are waived except as follows: begin with "Provided" on page 4, line 4, through "as amended" on line 14. Where points of order are waived against part of a paragraph, the points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in part B of the report of the Committee on Rules may be offered only by a Member designated in the report and duly printed in the regularly printed reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the opponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part B of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accor priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the CONGRESSIONAL RECORD.

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During consideration of the rule, the Chair will have the flexibility to postpone votes and reduce voting time as a way to expedite consideration of the bill and give due consideration to Members’ schedules.

Finally, the minority will have another opportunity to alter the bill through the customary motion to recommit with or without instructions. Mr. Speaker, by my good friends and colleagues on the other side of the aisle begin their expected protest of this legislation, I would like to point out some facts as well as the merits of this bill.

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I am also encouraged by the progress made in the last couple of years in the area of pediatric research through an appropriation for the graduate medical education provided in children’s hospitals. While the $800 million this bill provides is still far short of the full justification, it does represent progress, since it doubles last year’s funding. I hope to work with the chairman through the end of the process to find a way to fully fund children’s GME at a level of $2.5 billion and put free-standing children’s hospitals on par with other teaching institutions.

It is critical that we recognize the differences between adult and child medicine and allow this support those whom we trust with caring for our most precious resources.

Mr. Speaker, I think the dedication this bill demonstrates towards these priorities within the constraints dictated by fiscal responsibility is to be congratulated.

The subcommittee did not face a simple task in crafting this bill, but I believe it is a responsible approach; and I am proud of their willingness to make tough decisions to keep our fiscal house in order while making wise investments in the areas of greatest need.

Still, I am sure if each of my colleagues legislated alone, they would look at the many worthwhile programs in this bill and prioritize spending in 435 different ways. In recognition of the different views among us, this legislation is being considered under an open process which will allow every Member an opportunity to rework this legislation to their will. So there is really no reason that every single one of my colleagues should not support this rule.

Mr. Speaker, I encourage all of my colleagues to vote yes on the rule, as well as the subcommittee’s balanced approach to this legislation.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Ohio (Ms. PRYCE) for yielding me the customary half hour.

Mr. Speaker, this annual appropriations bills are the presidential Macarena. Year after year, this leadership attempts to gut programs critical to working families, and year after year they are publicly shamed into finally passing adequate spending levels.

Fiscal year 2002 is gearing up to be no different.

The rule for this underlying bill is a sham and deserves to be defeated. In the dead of night, the Committee on Rules has rewritten the underlying bill in the hopes it might survive a floor vote. No one in this body has had an opportunity to adequately review this new version, but I can share with my colleagues at least one little gem.

According to the new rule, any programs that are forward-funded in the bill will trigger an automatic rescission. And did the majority pick on someone their own size in choosing the program to target for this rescission? Not in the least. The automatic rescission will cut funds from the Child Care Development Block Grant, which funds child care for the poorest children in our Nation.

Passing annual appropriations bills remains the most basic and critical function that can be performed in this body. This particular spending bill funds some of our most essential programs, those that keep Americans healthy, educate our children, and protect our workers. But once again, the current leadership has skirted this responsibility and is pushing a bill that it knows will be vetoed in its current form.

The original bill was narrowly adopted in the Committee on Appropriations with a party-line vote 29-22, with every Democrat opposed. Moreover, the committee version of the bill would deny any new worker safety provisions, particularly those designed to protect workers from repetitive motion injuries.

My colleagues and I have often marveled at the short-sighted vision the current leadership holds for the Nation, and this year’s Labor HHS appears to be no exception.

The bill could cut funding at a time when school enrollment is exploding and education is at the top of our Nation’s list of priorities. Education is cut $3.5 billion below the President’s request, including the repeal of last year’s bipartisan commitment to hire 100,000 new teachers, to reduce class size and turning that initiative into a block grant; denial of $1.3 billion to renovate 5,000 schools for urgently needed safety repairs; $1 billion cut from teacher quality initiatives for recruitment and training; $400 million cut from after-school care serving 1.6 million children; $416 million cut from Head Start, denying early education to low-income children; $600 million cut from Pell grants, elimination of funding for elementary school counselors.

The leadership’s bill cuts funding to train and protect America’s workforce with a controversial ergonomics rider which once again blocks OSHA’s regulation on ergonomics for the sixth consecutive year.

The bill cuts millions from worker protection initiatives, including efforts to make the workplace safer, to promote equal pay, to protect pensions, and to crack down on sweatshops.

The ergonomics rider prohibits the issuance of a new OSHA rule that would prevent 300,000 debilitating and disabling injuries per year. In addition, the bill cuts over $1 billion for the training of adult and dislocated workers and summer jobs for 72,000 at-risk youth.

Moreover, the underlying bill cuts funding to protect elderly Americans. The bill eliminates family care support for 250,000 Americans with long-term care needs; cuts funds to enforce quality nursing and family care for 1.6 million elderly and disabled people; and cuts mental health for seniors; cuts funds to eliminate Medicare waste, fraud, and abuse.

In addition, the bill cuts funding for the battered women’s shelters, for family planning, and for health coverage for uninsured workers.

Mr. Speaker, earlier this week the Committee on Rules had an opportunity to correct these cuts by allowing full consideration of amendments offered by my colleagues. We offered amendments to increase funding for education and research. We offered amendments to protect senior citizens and attack weak labor standards. All of these efforts were defeated on a party-line vote.

Thusly, Mr. Speaker, I urge the defeat of this ill-conceived rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PORTER), the chairman of the subcommittee, who crafted this very difficult legislation in a very fine manner.

Mr. PORTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time.

Mr. Speaker, I would say to my friend and colleague, the gentlewoman from New York (Ms. SLAUGHTER), that the cuts she has described, are not cuts. They are cuts from the President’s budget. And the President’s budget, this President, has been particularly adept at drawing a political document. All Presidents draw a political document, but this President has taken it to an art form; and it is, basically, a document that is not responsible.

Let us start the debate today by being very, very clear. When the other side talks about cuts, they are talking about cuts from an irresponsible President’s budget. If we look at the Department of Education, there are no cuts in programs. There is a $2.4 billion increase in spending in this bill over last year in discretionary programs.

If we look at the Department of Health and Human Services, there is a $2 billion increase in spending there.

There are cuts in some programs in the Department of Labor. But this is an economy that is growing so fast, where we have almost full employment, that the need for job training is less than in the past. Such growth justifies a slowdown in spending.

So I would say to the gentlewoman, let us talk not about cuts. There are not cuts except in certain areas where they are justified. There are increases. Tony’s job and notched page of cuts magnitude that the President has suggested because the President’s budget is not responsible, I believe; and because we have a limited allocation.
Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member on the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my great colleague from my friend, the gentlewoman from New York (Ms. SLAUGHTER), for yielding me the time.

Mr. Speaker, do my colleagues know where their Committee on Rules was last night around midnight at the witching hours? When everybody else was nestled all snug in bed, the Committee on Rules was at work, under the cover of darkness, rewriting the rule for the Labor, Health and Human Services appropriations bill, where they once again put children's programs on the chopping block.

Mr. Speaker, picking on children is becoming the pattern in the Committee on Rules. Two weeks ago, the Committee on Rules killed an amendment that would have sent American medicine and American food to sick and starving children in North Korea and Sudan.

Then my Republican colleagues took money from the Women, Infants' and Children's Nutrition Program, the WIC program, and handed it over to the apple and potato growers.

Today, Mr. Speaker, they will put child care block grants at risk, and all to please the Republican conservatives who fear using next year's money to pay this year's bill because they themselves have imposed impossible budget caps.

Mr. Speaker, children should not be the scapegoats of Republican budget cuts just because they cannot fight back. And people will find out what my Republican colleagues did even though it was late at night.

If my Republican colleagues really need to come up with some more money, I think they should stop pick ing on children, pick on someone their own size.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I rise in strong support of the rule. I thank my friend from Columbus, Ohio, for yielding me the time.

Mr. Speaker, I would like to say that we are proud to have a hard-working Committee on Rules. I am glad that the gentleman from Massachusetts (Mr. MOAKLEY) was able to join us last night.

One of the challenges of dealing with a very recalcitrant minority that wants to obstruct any kind of progress here is that we have to try to fashion rules that will get the majority to provide full support; and, unfortunately, we have a difficult time working in a bipartisan way.

We try our best to do it. We try to reach out to the other side. But when we hear rhetoric like that my friend, the gentleman from Massachusetts, just provided, it makes it really tough for us. Because, in fact, in the area of child care development, we have a 33 percent increase over last year.

Now, one of the things that I was proud to have worked on earlier this year, that unfortunately I fell short by eight votes of getting the support on, was something called biennial budgeting. I knew the member of the Committee on Rules in the minority joined us in support of this, my friend from Massachusetts opposed it.

We are talking here about all kinds of scenarios that are down the road and, frankly, my Republican colleagues will be living through this in favor of that so we could have addressed this question in what I believe would be a really more responsible way than going through the annual process.

But we have to deal with it as it is right now.

I want to say that I believe that this is a very, very responsible measure. My friend from Missouri (Mr. GEPHARDT), who is going to be presiding over the last business of the last session of the 100th Congress, is to be commended for his hard work. I think that his words just a few moments ago were right on target. When he said that all kinds of rhetoric is going to be out there trying to claim that cuts are being made when, in fact, we are bringing about responsible increases to address these issues, I commend him for his work.

There are a number of very important issues that are being addressed in this measure. I want to particularly compliment him for the $900 million that is for technology, for education programs which will help today's students have the potential to be competitive when it comes to dealing with our global economy. We have a responsibility to ensure that we pursue that. I think we have been right on target in doing that.

There are a wide range of very good measures in this bill. What we need to do is recognize that we are complying with the budget resolution that passed, not, as the gentleman from Illinois said, the very irresponsible budget package that was put forward by the President of the United States. That is not what is providing us with direction here. We are following the budget resolution that passed. We are increasing responsibly in areas where need is taking place.

Mr. Speaker, we continue to hear the other side of the aisle talk about Draconian cuts. We went through this in the middle part of the last decade right after we won the majority and they tried to claim that we were cutting the school lunch program when we were increasing it, they tried to claim that we were cutting programs for seniors. It is unfortunate to see that as being somehow inhumane. Nothing could be further from the truth. We are, in fact, responsibly dealing with societal needs while at the same time dealing with the fiscal constraints that are imposed with the budget process that we have.

I strongly support this rule. I urge my colleagues to support it and the very important appropriations bill that we will be moving ahead with.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democrat leader.

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

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote no on this rule and if it does pass, to vote no on this bill. Everyone in America knows that the most important issue that we face is education and training children, the way we raise children. Go into any business in America today and they will tell you they need trained people. They do not have enough trained people to fill the jobs. We constantly are asked by businesspeople for legitimate reasons to open up immigration rolls to bring in trained people to fill the jobs that Americans are not available to fill today.

Even the President knows that raising a child today is more difficult in a very busy and different world that we live in. Parents have less time with children by about a third than they did 15 or 20 years ago. This bill walks away from all of those concerns. There is not enough money in it for the teachers that we need to teach our children in elementary and secondary schools across the country. It zeros out the funds that are supposed to be there for the 100,000 teachers that we should be trying to help the local districts with. It provides no funds for the effort to try to repair and rehabilitate and expand school building structures, so we can get smaller class sizes to go with the teachers that are all designed to get smaller class size. It guts the President's proposal to improve teacher quality and insist on teacher recruitment and school accountability.

Denying all of this funding is frankly inexcusable and unnecessary. Part of the reason, I guess, that we are not able to put enough money into these efforts is that tomorrow we have a bill to wipe out the estate tax entirely. Everything that we do here is a choice. We have a choice. We can wipe out the estate tax entirely or we can simply modify it. And make it more reasonable, thereby not spending as much money as possible and use that money on other efforts and use those moneys that we do not use on that effort to
Mr. OBEY. Mr. Speaker, we have heard a lot of talk here today from people who understand the cost of everything and the value of nothing. When someone says that we do not have cuts in this bill for education and health care and that they ignore is what happens to real people.

This budget is not the last budget for the Clinton administration. This budget is the first budget for the next decade. We do not have a society or a country we can wave our hands at. We have a growing population. They have growing needs. We are going to have over a million additional students in college needing Pell grants, needing Work Study. We are going to have about a million and a half additional students in high school, needing title I and all the rest. We are going to have more people needing medical services, because our population is growing larger and it is aging. We are going to have about 25 million more people in the working decades, nice if the people's bill, which this bill is, responds to those growing needs. But it does not. That is why it cuts the President's educational request by $3 billion. It cuts worker training and other investments by $4.7 billion. It cuts health care by $1 billion from the President's request.

Why does it do that? Because we are moving into a new era. We have been an era of huge deficits. We are now moving into an era of large surpluses. We have some choices. The choices are whether you use these surpluses to cut taxes or to buy down debt or to invest in national security, education, health care, science and the like or whether you do a reasonable combination of all of them. What we are doing in this bill today is making these cuts because the Republican majority in this House has decided that rather than provide a prescription drug benefit under Medicare, rather than increase the teacher quality, rather than investing larger amounts in smaller class size, rather than strengthening job training, they want to provide $90 billion in tax relief to people who make over $300,000 a year. That is why these cuts are being made. I think that is wrong.

I have no objection to legitimate tax cuts aimed at farmers who are on the edge or aimed at trying to help small businessmen provide health care for their families, but when these tax cuts are so large that they prevent us from eliminating the debt and prevent us from making needed additional investments in child care, in health care, in after-school centers and in enforcement is international child labor standards, then this bill is misguided and misbegotten.

This rule denies us the opportunity to offer 11 amendments to add funding to restore teacher quality, school facility repairs, early childhood education, child care, after-school initiatives, better nursing home care and all the items that I just mentioned. It tries to hide it, but when you adopt this rule, you are also voting to cut by over $800 million the child care block grant. You can deny it, but that is the fact. All of the amendments we want to be made in order could be financed by simply having the Republican majority in this House put back into the president's cuts by 20 percent and we would have enough to do all of the things we think that are necessary to move this society into the 21st century and to respond to the growing population and the growing need that accompanies that growing population.

This vote more than any other vote defines the differences between the two parties. It tells us what your values are. It tells us whose side you are really on. In our view, the majority party ought to scale back its tax promises so that we can meet the education and health care and job training responsibilities of this society.

1130

We did not get to have the greatest economy in the world by nickel-nursing on these needed training programs.

Mr. Speaker, we are going to have 35 million more people knocking on the doors of national parks in the next 10 years, we are going to have 40 percent more commercial airline flights, we are going to have millions of more kids in school. We need to respond to that. If we do not provide these increases, then the per-person basis we face, the family basis, we are cutting back the amount of help we are giving to working families trying to share in the American dream.

This is the bill more than any other in the Congress that attempts to do that. It is a sad commentary on the priorities of this place that we are denied the opportunity to even offer the amendments, to even offer the amendments. They provided protection in the rule for all kinds of unauthorized programs that are in line with the majority but they will not provide that same protection under the rule for the amendments we seek to offer. It is an unbalanced rule; it is an unfair bill. It should be defeated.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PORTER), the distinguished chairman of the subcommittee.

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

I would say to the gentleman from Wisconsin, my friend and colleague, that he is going to offer all 11 amendments as we have agreed, and the reason that the rule denies him the right to a peremptory because none of them have any offsets. They contain $10 billion the child care block grant. You can deny it, but that is the fact. All of the amendments we want to be made in order could be financed by simply having the Republican majority in this House put back into the president's cuts by 20 percent and we would have enough to do all of the things we think that are necessary to move this society into the 21st century and to respond to the growing population and the growing need that accompanies that growing population.

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and put some restraint on adding spending at any level to our bill or any other bill. So it seems to me that the gentleman is going to have an adequate opportunity to offer the amendments. We will make a point of order because they do not have offsets as our rules require. This does define the difference between the two parties. We are responsible for the bottom line.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin.

Mr. OBEREINER. Mr. Speaker, I would simply say in response that yes, we can offer the amendments, we just cannot get votes on them. That does not help a whole lot.

Secondly, they are offset. We suggest that we pay for them by cutting back tax plans by 20 percent. If we cut the outlays on tax plans by $2.4 billion, we can pay for every single one of the amendments we would like to have votes on.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GGoodling), the chairman of the Committee on Education and the Workforce.

Mr. GGOODLING. Mr. Speaker, I am very proud to be in the well supporting the gentleman from Illinois (Mr. Porter). I am very proud to be here supporting him for the last 4 years, to tell the minority leader why you are going to bring in 200,000 people from other countries. For 20 years I sat here in the minority, and the only thing I ever heard from the majority was quantity, quantity. No quality. No quality. The only thing they ever talked about was quantity. If we can just cover more children, if we can just have more programs, if we just spend more money. Nobody ever went out to see whether they were doing any good, so we spent $140 billion in title I.

So what do we have now? Do you close the achievement gap? No, Mr. Minority Leader, you did not close the achievement gap, bit by bit. In fact, it has increased. So for the first time in the last 4 or 5 years we have been talking about quality, not quantity. We have been talking about results, not process. Every time they would come and say we need more money and I would say, for what, they would say, to cover more children, and I say, with what, mediocrity? You are not helping them.

So yes, now we have the highest Pell grants; and yes, now we have the lowest in years, now we have more money for college work study, all of these things. We also took 166 job-training programs spread out over every agency doing nothing to prepare our people, because there was so little money not only in these programs. But again, it was the same mindset: more programs, more programs, and somehow or other, all of our problems will go away.

Well, we have changed this. We are now moving toward quality, not quantity. We are now moving toward results, not process; and we are going to see a big difference.

So again, I am proud to be here supporting the gentleman from Illinois (Mr. Porter) in this effort. We want to close that achievement gap. More money for Even Start, more money for Head Start; but we reformed Head Start. For 10 years we heard, more money for Head Start, more money, but nobody said, are we accomplishing anything? Lo and behold, we discovered all over this country we were accomplishing very little to get them reading-ready to go to school. We have changed that, and so the word is quality. The word is also family literacy. For the first time we are now talking about if we are going to break the cycle, we deal with the entire family.

So again, we are on the right road, and thanks to the gentleman from Illinois (Mr. Porter) for the last several years we have been moving in the right direction. The whole emphasis is on quality, not quantity; results, not process.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. Evans).

Mr. EvANS. Mr. Speaker, I would like to note that the Republican appropriations bill which turns its back on our children and our veterans. It demonstrates a lack of commitment to our Nation’s veterans which we should not stand for, but it may be even more troubling is the degree to which this grossly underfunds Federal education programs.

The Republican bill is a giant step backward for American education. It eliminates funding for two programs that are critical for giving students the tools they need to flourish: the class size reduction initiative and the Elementary School Counselors Demonstration Act. Over the next 10 years, we will need 2.2 million new teachers nationwide to keep pace with enrollment. The Republicans want to play politics with children and slash the Democratic initiative to hire 100,000 additional teachers. This will jeopardize more than 1,000 teachers already working in our home State of Illinois; it will leave kids packed in overcrowded classrooms.

The elimination of the Elementary School Counseling Demonstration program will deny counseling services to more than 100,000 elementary students. These essential services help troubled students overcome problems, promoting the mental health of our students and the safety of our schools. In Illinois, for example, 87% of the students in calling for the funding of the school counselor program at $100 million in fiscal year 2001. In addition, the bipartisan Working Group on Youth Violence recommended that we fund school counseling programs to help reduce school violence. Despite the support and to the detriment of the school safety and our children’s well-being, no funding was provided for this initiative.

Mr. Speaker, at this time I will include the Working Group’s report and the letter to the appropriators for the Record.

Findings
C. Often one adult can make a difference by taking an interest in a child and nurturing him or her. This might be a teacher, an administrator, a counselor, or others.

Students with behavior disorders account for a majority of problems encountered in schools today. Additional resource staff in our schools, such as counselors, school psychologists, and social workers are needed, not only to help identify these troubled youth, but to work on developmental skill building. (Emphasis added.)

There is no real infirm support for our kids when it comes to mental health services in our schools and no national model for what constitutes a community mental health programs. Currently, there are only 90,000 school counselors for approximately 41.4 million students in our schools—roughly 300 to every 533 students. In California, there is only one counselor for more than 1,000 students. That is simply not enough. As Mr. Porter stated during this presentation, current school counselors are unable to address students’ mental health needs since they are responsible for such large numbers of students. Instead, their role is reduced to administrative, scheduling, and career counseling.

Additional resource staff is needed to address specifically the personal, family, peer level, emotional, and developmental needs of students. By focusing on these mental health needs, these staff members will pick up early warning signs of troubled youth and improve student interaction and school safety.

The resource staff can also provide consultation with teachers and parents about student learning, behavioral, and emotional problems. They can develop and implement prevention programs, deal with substance abuse, set up peer mediation, and enhance parent-teacher-student adult-child mentoring relationships. We expect that there are a number of models that can be effective in different schools and age levels. The federal government should initially support the development of research-based models for school mental health programs that could then be built upon.

Furthermore, schools and communities should not only provide more resources to encourage parents to become involved in their child’s education. Improving parenting skills through federally-funded programs like WIC, Head Start, and the various public health clinics, teen parenting, child welfare, juvenile delinquency and homeless programs may be an effective way to reduce juvenile violence in the long term.

Finally, teacher quality has been shown to have a profound impact on the success of a...
child. Because teachers are on the front line, there is a great need to help them understand how to identify and intervene in the life of a troubled child. Studies indicate that by the end of 2000, we will need an additional two million teachers in our schools. We can ensure that we have quality teachers in the future by creating incentives for educators to continue teaching and by encouraging people to begin teaching after careers in other professions through such programs which help mid-career professionals become teachers.

Recommendations:

Congress should provide grants to States and local educational agencies to recruit, train, and hire school counselors, school psychologists, and social workers. (Emphasis added.)

Congress should authorize the Department of Health and Human Services to work with schools and the mental health community in developing models that enhance the availability of mental health services in schools. (Emphasis added.)

Congress should encourage local educational agencies to implement professional development activities designed to assist teachers in identifying and assisting at-risk youth. (Emphasis added.)

Congress should provide grants to States and local educational agencies to develop and implement early intervention programs for elementary school students. (Emphasis added.)

Congress should encourage States and local educational agencies to encourage people to begin teaching after careers in other professions through such programs which help mid-career professionals become teachers.

And the best news yet—this worthy initiative gets results. Under the model ESCDA program, Smoother Sailing, counseling services have proven to decrease the use of force, weapons, and other threats; decrease school suspensions; decrease the number of referrals to the principal's office by nearly half; and make students feel safer. Further, school counseling and mental health services improve students' academic achievement and reduce classroom disturbances. Studies on the effects of small group counseling for failing elementary school students found that 83 percent of participating students showed improved grades.

In FY 2000, ESCDA was funded at $20 million. This fund provides grants to approximately 60 of our nation's 14,000 public school districts. We believe that we must do better and increase funding for elementary school counseling services available to our nation's children. We can ensure that we have quality teachers in the future by creating incentives for educators to continue teaching and by encouraging people to begin teaching after careers in other professions through such programs which help mid-career professionals become teachers.

Chairman, Subcommittee on Labor, Health and Human Services and Education, Appropriations Committee, Washington, D.C.

Hon. David Obey,

Ranking Member, Subcommittee on Labor, Health and Human Services and Education, Appropriations Committee, Washington, D.C.

Dear Chairman Porter and Congresswoman Obey: We write to request funding for the Elementary School Counseling Demonstration Act (ESCDA) under Title X of the Elementary and Secondary Education Act at $100 million in FY 2001.

At a time when our communities are experiencing increases in school violence, we have an obligation to do all that we can to provide communities with the resources they need to keep their schools and students safe. School counselors are an integral part of this effort.

School counselors, school psychologists, and school social workers provide some of the most effective prevention and guidance services available to our nation's children. These highly trained professionals help improve students' academic achievement, provide students with essential mental health services and intervention, and help students cope with the stresses of youth.

Across the country, school counseling professionals are stretched thin and students are not always helped when they desperately need it. Studies indicate that, although 7.5 million children under the age of 18 require mental health services, only 20 percent receive necessary counseling. This lack of access to counseling services is having detrimental effects on both the students and the community. Of those students who most need help, we do not receive mental health services, 48 percent drop out of school. Of those who drop out of school, 73 percent are arrested within five years of leaving school.

A movement is underway in desperate need of qualified school counselors. The current national average student-to-counselor ratio in our elementary and secondary schools is 501 students per counselor. According to the American Counseling Association and the American School Health Association, the maximum recommended ratio is 250:1. Every state in the nation exceeds this recommended student-to-counselor ratio. Congress can ease the pressing shortage of school counselors in this important initiative. The Elementary School Counseling Demonstration Act (ESCDA) — expected to soon be expanded to the Elementary and Secondary School Counseling Program — enhances schools' ability to provide much needed counseling and mental health services. ESCDA is a small program that awards funds through a competitive grant process to only those schools most in need of counseling services.

And the best news yet — this worthy initiative gets results. Under the model ESCDA program, Smoother Sailing, counseling services have proven to decrease the use of force, weapons, and other threats; decrease school suspensions; decrease the number of referrals to the principal's office by nearly half; and make students feel safer. Further, school counseling and mental health services improve students' academic achievement and reduce classroom disturbances. Studies on the effects of small group counseling for failing elementary school students found that 83 percent of participating students showed improved grades.

In FY 2000, ESCDA was funded at $20 million. This fund provides grants to approximately 60 of our nation's 14,000 public school districts. We believe that we must do better and increase funding for elementary school counseling services available to our nation's children.
increase of funding for this critical program. They were a bipartisan group of Members, I might add. Now we have to stand here today, and we have to stand and oppose a proposed cut in funding. How can this be? The Child Care Block Grant provides access to quality child care to thousands of working families. It allows parents and in many cases single working mothers as they leave home each day to be able to support their family. To be able to ensure that their children have child care.

Mr. Speaker, we cannot allow working families, but most importantly, the children of these families, to fall through the cracks. Even the current funding levels serving only an 10 eligible children are completely inadequate. Studies show that serious problems with child care quality persists, leaving children at risk of important life-long consequences. A child care that is safe, affordable, and of high quality is essential for our families, and it is essential for our Nation. This bill makes the wrong choice on this vital need.

For older children, working parents know that the period after school and before they return home from work is a critical time. It is prime time for juvenile crime, and a top need for construction, after-school care. The cuts in this bill to after-school care are not a tough choice, they are the wrong choice for those students as well as their neighbors.

For students who advance all the way through school and who deserve to be able to get all of the educational opportunities for which they are willing to work, college student financial assistance in the form of Pell grants is essential. The cuts to Pell grants in this bill are not a tough choice, they are a wrong choice for our students and their hope for the future.

Let me say, Mr. Speaker, that these wrong choices being forced on the House today are not by accident; they are directly related to the next bill that this House will take up. That is a bill to cut the taxes for poor old Steve Forbes, for poor old Ross Perot. Seventy-three percent of this huge, Republican-proposed tax cut would go to the wealthiest 17 percent of taxpayers. In order to give this huge tax cut to the very richest people in this country, they propose their so-called tough choice, which is the wrong choice on child care, the wrong choice after-school care, and the wrong choice on grants for college education.

The two bills are closely intertwined. And they are not even close to cut Ross Perot and Steve Forbes’ taxes in order to inflict so many cuts on the working families of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, in Austin, Texas, working families of over 2,000 children rely on Federal assistance to cover part of the cost of their child care. Unfortunately, almost as many families cannot get child care assistance on a waiting list.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, in Austin, Texas, working families of over 2,000 children rely on Federal assistance to cover part of the cost of their child care. Unfortunately, almost as many families cannot get child care assistance on a waiting list. Countless others never apply because they know the wait is so long. For those working families, this vote does not represent a tough choice; it is the wrong choice. It says these families will have to wait a little longer.

Child care that is safe, affordable, and of high quality is essential for our families, and it is essential for our Nation. This bill makes the wrong choice on this vital need.

For older children, working parents know that the period after school and before they return home from work is a critical time. It is prime time for juvenile crime, and a top need for constructive, after-school care. The cuts in this bill to after-school care are not a tough choice, they are the wrong choice for those students as well as their neighbors.

For students who advance all the way through school and who deserve to be able to get all of the educational opportunities for which they are willing to work, college student financial assistance in the form of Pell grants is essential. The cuts to Pell grants in this bill are not a tough choice, they are a wrong choice for our students and their hope for the future.

Let me say, Mr. Speaker, that these wrong choices being forced on the House today are not by accident; they are directly related to the next bill that this House will take up. That is a bill to cut the taxes for poor old Steve Forbes, for poor old Ross Perot. Seventy-three percent of this huge, Republican-proposed tax cut would go to the wealthiest 17 percent of taxpayers. In order to give this huge tax cut to the very richest people in this country, they propose their so-called tough choice, which is the wrong choice on child care, the wrong choice after-school care, and the wrong choice on grants for college education.

The two bills are closely intertwined. And they are not even close to cut Ross Perot and Steve Forbes’ taxes in order to inflict so many cuts on the working families of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in opposition to this rule and to this bill. The committee unfortunately included a prohibition on the Occupational Safety and Health Administration. This is hard to believe, to stop OSHA from implementing protections against repetitive stress disorder, carpal tunnel syndrome, and the litany of physical injuries workers suffer every day because of the dangerous design of their jobs and workplace.

Many of these workers are women. They are our mothers, our aunts, our sisters, and our daughters. Each year, according to the American Congress of Obstetricians and Gynecologists, 400,000 women workers suffer injuries from dangerously designed jobs. Sixty-nine percent of all workers who suffer from carpal tunnel syndrome, and I think everyone knows this, are women.

The bill therefore represents a betrayal of promises made to the women of America. In fiscal year 1998, the Committee on Appropriations report stated that "the committee will refrain from any further restrictions with regard to the development, promulgation, or issuance of an ergonomic standard following the fiscal year 1998." In the following year, Chairman Livingston and the gentleman from Wisconsin (Mr. OBEY) signed and sent a letter reiterating Congress’s promise. The letter stated, "It is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics."

Does the bill before us prohibit OSHA from protecting working women who are hurting and being crippled by dangerous workplace? A promise was broken, and Congress is on the verge of leaving America’s working people, the vast majority of our citizens, unprotected from dangerous workplaces.

I urge my colleagues to vote no on the rule and no on this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today in opposition to the rule, and I am also in strong opposition to the provision in this bill which would bar OSHA from implementing its ergonomic standard. This standard would protect hundreds of thousands of American workers suffering from musculoskeletal disorders every year. As a public health nurse, I know the debilitating effects these disorders can have. They are the most prevalent, expensive, and preventable workplace injuries, accounting for more than one third of all occupational injuries and illnesses serious enough to result in days away from work, affecting more than half a million workers each year, and costing businesses over $15 billion.

Congress has prevented OSHA from issuing an ergonomic standard since 1995. So many medical and professional organizations have strongly encouraged OSHA to act without further delay on this ergonomics rule.

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Congress has prevented OSHA from issuing an ergonomic standard since 1995. So many medical and professional organizations have strongly encouraged OSHA to act without further delay on this ergonomics rule.
Mr. Speaker, I am disappointed that this appropriations process has once again become the means by which we leave our workers without the safety protections they deserve. I believe it is irresponsible to prohibit OSHA from acting in the best interests of American workers. I object to the rider on the Labor-HHS appropriations bill.

Ms. WOLSEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

(As a result of the request for permission to revise and extend her remarks.)

Instead, we have a bill that repeals last year's bipartisan agreement to hire 100,000 new teachers. This bill rejects the funds needed to make urgent safety and health repairs to 5,000 schools. It denies after-school services to more than 1 million students, and actually eliminates Head Start for 53,000 children.

The one amendment that does bring funding to education does it by taking funds now used to keep American workers safe on their jobs.

I strongly urge my colleagues to vote against this rule, and insist on a new rule that allows the House to vote for education funds so that our students and schools will not be left behind.

Mr. GREEN of Texas. Mr. Speaker, I stand here today and see a bill that would do little for the educational system we need. This is a result of the budget that the Republican majoritiy has given us. It emphasizes cutting taxes, but it hurts the future of our Nation.

This bill does not provide for the President's plan for school modernization, and ensures our children will continue to suffer from substandard school facilities.

In my home State of Texas, where my wife teaches high school algebra, we have 4 million students in almost 7,000 schools. Of these schools, 76 percent need repairs or upgrades to reach good condition; 46 percent need repairs in building features such as plumbing, electrical, heating, or cooling; 60 percent have at least one environmental problem, air quality, ventilation, or lighting; and the student ratio to computers stands at 11 to 1.

Over the next decade it will get worse, not only in Texas but across the country. Over the next decade, the number of Texas students in elementary and secondary schools will increase by 8 percent.

What we need to do is not unfunded $1 billion in teacher quality improvement and recruiting, as this bill does, cut 40 percent of after-school programs, underfund Head Start. We need to provide for the future of our Nation.

Mr. WICKER. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Mississippi (Mr. WICKER), a member of the subcommittee.

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

Mr. Speaker, yesterday we talked about national defense, and it is an issue on which we can be a little more bipartisan. But, unfortunately, today is a day when we have to put on our partisan hats. My friends from both sides of the aisle have seen this happen already today.

Let me just take this time, as a member of the subcommittee, to thank someone. My subcommittee chairman, the gentleman from Illinois (Mr. PORTER), and also the full authorizing committee chairman, the gentleman from Pennsylvania (Mr. Goodling), two people who are retiring this year, for working and trying to work on a bipartisan basis for education and for health care over the last 5 years. We have a good record to show. We have a record of a 46 percent increase over 5 years in education.

We will today put on our partisan hats and define the differences in the parties. We have had references to the American dream, and certainly the American dream is embodied in this very fine piece of legislation today. The American dream includes a good education. I mentioned the 46 percent increase that we have had over the last 5 years of Republican governance in this House of Representatives.

The American dream means good health care. The American dream means good jobs and good job training. I am proud of everything we have done in that respect.

The American dream, Mr. Speaker, also means a sound economy. It means being fiscally responsible and living within our budget, and giving the people of America back just a little bit of their hard-earned income in the form of a tax cut.

Mr. Speaker, we have heard about the President's budget being slashed. It is easy for the President of the United States to float a figure out there when he knows that this House of Representatives and this Congress has got to live within a budget, and at the end of the day we are going to live within the bottom line.

It is easy to say, yes, the President had a budget and we have cut numbers from his budget, but look what the President did and his party did when they had it all to themselves. This is spending for special education, cumulative growth in funding. Look what happened in 1993, 1994, in fiscal year 1995, when the President and his party had it all to themselves. Then look at the increase in special education, cumulative growth funding since Republicans have been in office.

With regard to Job Corps funding, again, part of the American dream, the figures are right here for us. Look at the increases that the Democrats had when they were in control, when they ran the Committee on Rules, when they had majorities in this House to represent us. These were the small increases in Job Corps training.

This is what a Republican Congress has done on the other side of the page. The numbers speak for themselves.

I will vote against this rule, and one of the reasons is because of the example of the reduction of Pell grants money by $48 million. Do we even know how many children's lives this would affect? We are cutting funding to students who otherwise would not be able to go to college, many of whom are our summer interns.

This grant provides an opportunity. It provides for a future for students who otherwise would not have the resources to attend college. We tell our children that education is a means of success and a better way of life. If we take away the funding that Pell grants provide, we are taking away students' chances for a better life. We should increase these opportunities, not take them away.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee.

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

I just want to tell the gentleman who just spoke that Pell grants in the bill are increased by $200 to the requested level, and the only reason that there is an adjustment in the amount of money spent for the Pell grants is that there is estimated to be less demand for them in the next fiscal year.

We are not cutting them, we are increasing them, exactly as the President put in his budget.
Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, all of us say we have education as a priority, and we understand education is a priority for the citizenry, but when we come to appropriations, it does not seem that way. Maybe it is just in North Carolina. My State tells me we will lose almost $92 million. Please, Mr. Speaker, I beg for people to correct me, to say that this is not true. I want to make sure that that is not true.

They say we will lose $1.4 million in adult training; in youth training, again, $1.2 million; in disabled workers, again we will lose; just down the line; Head Start, $11 million; development block grants, another $11 million plus; and Title I, Title I, even there, it is $39,000; ESEA Title I migrant programs, more than $1 million; again, the Eisenhower/Teach to High Standards Grants, class size reduction, and we all know smaller classes mean indeed that we are able to teach better, $36 million.

I must vote against this rule, and I urge my colleagues, please allocate those resources for those children we say we love.

Mr. Speaker, I am sure that as you visited local schools, and talked to teachers, students and school administrators during our most recent recess, you heard their cry for additional teachers, more training and smaller class sizes. They shared with you the challenges they face daily to accommodate the ever-increasing enrollments.

We must provide adequate funding to hire 100,000 new teachers to meet the enrollment needs. This is especially important for our nation's poor, minority and rural community children.

I don't know if you had an opportunity to analyze the effects of this bill on your state.

Our state would be facing devastating reductions in:

- Adult Training ................. $1,400,000
- Youth Training ................. $1,298,000
- Dislocated Workers ............. $4,134,000
- Re-employment Services ....... $1,577,000
- Unemployment Insurance ....... $1,967,000
- Head Start ....................... $11,395,503
- Child Care and Development Block Grant ............... $11,439,157
- ESEA Title I LEA Grants ........ $39,586
- ESEA Title I Migrant Grants ........ $1,030,448
- Eisenhower/Teach to High Standards Grants ........ $1,557,000
- Class Size Reduction ............ $1,401,000
- Vocational Education Tech-Prep Grants ........ $36,217,944
- Leveraging Educational Assistance (LEAP) ........ $1,252,126
- Preparing Teachers to Use Technology ............... $5,771,250
- 21st Century Community Learning Center .......... $868,140

Passing this bill in its current state could be devastating to the state of North Carolina, netting more than a $92,000,000 loss for the state. North Carolina would receive no support under this bill. It doesn't assist the state to improve its dilapidated schools or poor performing schools.

Ninety-two million dollars is a lot of money and could make a major difference in improving education in our state. This bill seems to me to say, it's okay if we continue to ignore the needs of our children. My colleagues, I urge you to fully fund the President's request.

Because of the tremendous lack of support and vision for education and health of children and teachers, I must vote “no” on this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve my time to close.

Ms. SLAUGHTER. Mr. Speaker, I yield the remaining 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, over the last 2 weeks, we have seen a systematic attack by this House on public investments that make this economy the flourishing growing economy that it is today. Just yesterday in the committee, we put together a bill which cut deeply into the President's request for National Science Foundation funding. That is the basic scientific research that underlies all the advances we eventually make in health care through the National Institutes of Health, in new technologies, such as the Internet, which was developed through an investment by the Defense Department and the National Science Foundation.

This bill itself says that it wants to have a 15 percent increase in the National Institutes of Health, but then it has a language provision in the bill which prevents that money from actually being spent. This bill ignores the fact that we have growing school populations and growing senior populations who need added services, not less.

This bill denies us the opportunity to support the President's program to strengthen teacher training. The gentleman from Pennsylvania (Mr. Goodling) for years has said do not just put money into class size, but money into quality teachers. The gentleman is right, and that is why we have tried to do both in the amendments that we wanted to offer but are being denied the opportunity to get a vote on in the rule today.

So I would suggest there are all kinds of reasons why, if you care about the future economic strength of this country, if you care about equal educational opportunity, if you think people should have access to the health care without begging for it, there are all kinds of reasons to vote against this bill.

This bill makes all of these reductions in order to finance your huge tax cuts for the wealthiest people in this country; 73 percent of the benefits go to the wealthiest 1 percent. That is a high price to pay to give those folks a bonus.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, let me repeat my colleagues’ proposal at this is an open rule. The bill before us will be debated under an open process that will allow Members who disagree with the bill’s priority to change them. Also, despite my colleagues warnings of dire consequences, this bill actually increases spending to the tune of $4 billion over last year.

The extra investment will allow for increased funding to many priority programs including National Institutes for Health, Job Corps, Community Health Centers, Ryan White AIDS Care programs, the Centers for Disease Control, the Substance Abuse and Mental Health programs, Small Business Administration, Low Income Home Energy Assistance, Childcare and Development Block Grant, Head Start, the Technology for Education Program, Special Education, Impact Aid and Student Financial Assistance, and that is just to name a few.

Mr. Speaker, at the same time, this bill is responsible, balancing the need to fund worthwhile programs while keeping our budget balanced. It is this kind of responsible governing, where waste is eliminated, and fiscal prudence is maintained that will keep our Nation’s economy on track.

I urge my colleagues to support this fair and open rule as well as the underlying legislation.

Mrs. MEEK of Florida. Mr. Speaker, I rise to speak against the rule because it is a stealth attempt to reduce funding for Pell Grants for education by $48 million. This is ridiculous, particularly at a time when our nation and our workforce are changing at warp speed with new technologies, globalization, and innovations and change. Changes which affect how we live, how we work, how we learn.

It is a quality education that has allowed America to master these rapid changes and move forward in this new economy.

Education has helped us move forward from the days of the horse and buggy to the information superhighway.

It is education that has allowed us to move from horse stables into stable careers and social services Administration, Low Income Home Energy Assistance, Childcare and Development Block Grant, Head Start, the Technology for Education Program, Special Education, Impact Aid and Student Financial Assistance, and that is just to name a few.

I urge my colleagues to support this fair and open rule as well as the underlying legislation.

Mr. Speaker, let me remind my colleagues of the importance of the American citizens by training and educating our students and budget surplus, we should be seizing the opportunity to advance the well being of our citizens by training and educating our students and workers instead of shortchanging them.

Let’s not say “no” to the 67 percent of our high school graduates who are now going on to college, and struggling to pay college tuition.
Vote against this rule (bill) and in favor of needy students across this country, and in favor of American businesses who desperately need a well educated workforce. Let's keep our American economy growing.

Mr. GILMAN. Mr. Speaker, I rise to speak on this rule for H.R. 4577, the FY 2001 Department of Labor, HHS, and Education Appropriations Act, to offer my strong objection and concern with the addition of another amendment to part A of the Rules Committee report, providing for a rescission from the child care and development block grant (CCDBG) of any funds appropriated in excess of the $23.5 billion advanced appropriation cap contained in the FY 2001 concurrent budget resolution.

The child care development block grant (CCDBG) is a major source of child care assistance for low and moderate working families. Usually out of necessity, not choice, mothers are working outside the home in greater numbers than ever before. Moreover, with many employers having difficulty finding the workers they need, due to a 30-year low in unemployment; and the continued demand generated by welfare reform. It is imperative now more than ever that the availability of affordable and quality child care services exist.

Accordingly, now is not the time from Congress to limit the amount of funding available for CCDBG.

Regrettably, as I read the language found in the Rules Committee report it is essentially placing a marker which states that the House of Representatives does not support the need for this important program.

While, I will vote for the rule as I believe it is important that the House have the opportunity to debate the important provisions in the Labor, HHS appropriations bill, I strongly oppose the Rules Committee report language on the CCDBG. And I intend to work for additional funding for this necessary, beneficial program.

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

The previous question was ordered.

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

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The roll was taken by electronic device, and there were—yeas 218, nays 204, not voting 13, as follows:

[Roll No. 247]
To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled, "Science and Engineering Indicators—2000." This report represents the fourteenth in a series examining key aspects of the status of American science and engineering in a global environment.

WILLIAM J. CLINTON.

GENERAL LEAVE

Mr. PORTER. 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. 4577, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the Mittler to consider the bill (H.R. 4577).

The Chair designates the gentleman from Nebraska (Mr. BERENSTEAU) as chairman of the Committee of the Whole, and requests the gentleman from Indiana (Mr. PEASE) to assume the chair temporarily.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Service, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PORTER).

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

Mr. Chairman, before I begin the general debate, I want to acknowledge the wonderful work of our staff on our subcommittee. Tony McLean, the clerk and chief of staff has done a magnificent job for this subcommittee for the entire 6 years that I have been privileged to chair it; and he has been very ably assisted by a wonderful staff: Carol Murphy, Susan Firth, Geoff Kenyon, Tom Kelly, and Francine Salvador on our side and Mark Miioduski and Cheryl Smith on the minority side.

Every one of them is an expert. We rely greatly upon their counsel and advice, and we are fortunate to have professionals of this standard as our staff. I also want to thank the associate staff of the subcommittee. They work very hard for each of the Members; and I want to thank my staff, particularly Katharine Fisher, my administrative assistant, and Spencer Perlman, my legislative director.

Let me add that it has been a tremendous privilege for me to serve for the last 21 years on the Committee on Appropriations and on this subcommittee, and it has been wonderful to be able to serve as one of the subcommittee chairs. Under our full committee chairman, the gentleman from Florida (Mr. YOUNG), he does a magnificent job for our country, for this House of Representatives, and for our committee; and it has been an absolute joy to be a subcommittee chairman under his leadership.

Let me also say that it has been a great privilege for me to serve with my colleague, the gentleman from Wisconsin (Mr. OBEY). We work very well together. People may not believe that after the debate we will probably have today; but we do. And I have learned a great deal from him. He is a very senior Member of the House, has been on this committee, interesting enough, many years longer than I have; and I think our relationship is a very solid and good one. Both of us realize that, in the end, the process leads to finding common ground and to making the right decisions for our country for the programs that are under the jurisdiction of the subcommittee.

Each of the subcommittee members, the gentleman from Texas (Mr. BONILLA), the gentleman from Oklahoma (Mr. ISTY), the gentleman from Florida (Mr. MILLER), the gentleman from Arkansas (Mr. DICKY), the gentleman from Mississippi (Mr. WICKER), the gentlewoman from Kentucky (Mrs. NORTHUP), and the gentleman from California (Mr. CUNNINGHAM), on our majority side; the gentleman from Wisconsin (Mr. OBEY), of course; the gentleman from Maryland (Mr. HOYER); the gentlewoman from California (Ms. PELOSI); the gentlewoman from New York (Mrs. LOWEY); the gentlewoman from Connecticut (Ms. SPECTER-LAURAS); and the gentleman from Illinois (Mr. JACKSON) on the minority side, they spend countless hours in hearings that last far longer than any other subcommittee. They are all very, very dedicated and hard-working Members together. People give a great deal of their time and effort to this process; and I want to thank each one of them. It has been for me a great privilege to have Members like this serving on this subcommittee, and I know that they will provide the institutional knowledge that will carry it forward long after I have departed.

Let me also add that we work very, very closely with the gentleman from Pennsylvania (Mr. GRASSLEY) who has provided the kind of leadership in the authorization of many of the programs that our subcommittee funds, and he has been the kind of authorizing chairman that appropriators salute because he has taken on the responsibility of reauthorizing almost all of the education and some of the labor law that needs reauthorizing. He has not shirked one bit from that responsibility and has done a terrific job of reflecting the kind of philosophy that we believe gets results for people.

That is, after all, what this bill and what all of our bills are all about, getting results for the American people. The entire tenor of Congress during the last 5 or 6 years has changed, as we look very hard at every single program to see whether it really works to change people's lives and to do the right thing in terms of the expenditure of money and getting results.

Now, Mr. Chairman, the committee bill, despite what we may hear from now on, increases discretionary spending by $2.4 billion over last year. It contains a few cuts. A number of programs are level funded, but many are increased. The bill provides increased spending of $2.4 billion to $98.6 billion and a total of $342 billion overall.

The President, of course, requested $2.4 billion. That is easy to do when he is not responsible for the bottom line. With the extra funds, the President proposed dozens of new programs, many of them duplicative; hastily conceived, in our judgment; and aimed at constituencies than at true national policy.

Within our funding level, determined by a budget resolution adopted by the majority of both Houses of the Congress and that we have to live by, I have attempted to level-priority programs while restraining the growth of other lower-priority programs. We did not fund any of the dozens of new small untested programs proposed by the President, almost all of which were unauthorized.

We did fund the Job Corps at $1.4 billion, $7 million above the President's request. We did fund community health centers at $1.1 billion, $31 million above the President's request. We did fund increased graduate medical education payments to Children's Hospitals at $80 million, the request level.

We funded Ricky Ray Hemophilia Relief at $100 million. Ryan White, under our bill, is increased by $120 million to $1.725 million, $5.5 million above the President's request.

TRIO was increased by $115 million, a very important program serving minority youngsters in our society. It is increased by $115 to $760 million, $35 million above the President's request.

Overall, the Centers for Disease Control and Prevention is funded at $368 billion.
million above last year's level and $139 million above the President's request. This level includes both the regular account and the Public Health Emergency Fund. I have specifically included $145 million, $8 million above the President's request, for the critical infrastructure needs of the CDC.

Mr. Chairman, I funded the National Institutes of Health at the request level, $1 billion above last year. I believe this level is not sufficient, but it is all I could manage within our allocation. As he has indicated, he has served this House and his district and this country ably and with great distinction and great honor in all of the years that I have known him. He is truly a quality legislator, he is infinitely fair, and I think he has more integrity than 90 percent of the Members I have ever served with.

Mr. Chairman, before I begin, I would like to make a few comments on the stewardship of the gentleman from Illinois (Mr. Porter).

As he has indicated, he has served this House and his district and this country ably and with great distinction and great honor in all of the years that I have known him. He is truly a quality legislator, he is infinitely fair, and I think he has more integrity than 90 percent of the Members I have ever served with.

I would say that in a legislative body I understand that political conflict and intellectual conflict can be pretty intense. When we engage in that conflict, we take a good measure of both our allies and our adversaries. I am proud of the relationship that I have had with a variety of subcommittee chairs, full committee chairs, and ranking minority members in the years I have been in this place.

I treasure the relationship that I had with Mickey Edwards when he ran the Republican side on the Subcommittee on Foreign Operations, Export Financing and Related Programs; and I chaired it. I treasure the relationship I had with Bob Livingston, both when he served as chairman of the committee and as my ranking member on foreign operations. I cherish the relationship I have with the gentleman from Florida (Mr. Young), the chairman of the committee, and I especially cherish the relationship that I have with the gentleman from Illinois (Mr. Porter).

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes.

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Mr. OBEY. Mr. Chairman, I yield myself 9 minutes. Mr. Chairman, before I begin, I would like to make a few comments on the stewardship of the gentleman from Illinois (Mr. Porter).

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put our resources, and it is an honest difference of opinion.

The folks on this side of the aisle put as their first priority providing over $700 billion in tax cuts. We have put as our first priority investing that money in Social Security and Medicare, education, in health care, in job training, in basic science to keep this economy going and to build opportunity.

As great as this country is, it can be better. But to be better, we have to continue to make the right kind of public investments that have gotten us this glorious economic recovery.

We are not going to do it under this bill. We are not going to do it under the science bill that came out of committee yesterday. We are not going to do it out of the agriculture bill. At least not now.

We will do it eventually. We will do it in September, because in September we will get to the get-real time part of this session, and that is when the majority realizes we are really face to face with the fact that this bill and most of the others are not going to be signed by the President of the United States unless additional resources are put in it. And if you say, “Oh, they are not offset, you are juggling the numbers,” every single one of the amendments that we want the committee to adopt can be paid for if the majority simply cuts back on the size of its tax package by about 20 percent.

That is all, it would take. It would still leave you room for significant tax cuts, and we will have one on the floor tomorrow that will demonstrate that, but it will not provide tax cuts that are so large that you get in the way of either deficit reduction or making the needed investments we need to make on our people.

So that is what is at stake on this bill. I would urge Members at the end of the day to vote no because it simply does not measure up to what America is all about.

Mr. PORTER. Mr. Chairman, may I inquire of the Chair how much time remains on each side.

The CHAIRMAN pro tempore (Mr. OBEY). The gentleman from Illinois (Mr. PORTER) has 18 1/2 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 21 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER).

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

Ms. GRANGER. Mr. Chairman, I rise today in strong support of the Labor, Health and Human Services, and Education Appropriations bill. This legislation includes substantial increases for many important health, education, and job training programs.

I also want to commend the gentleman from Illinois (Mr. PORTER) for the work he has done. I want to especially thank him for his commitment to increased funding for the National Institutes of Health. I am proud to be a member of the Committee on Appropriations and a Congress that have made quality health care a priority.

From 1995 to 2001, Republicans have increased NIH funding by an average of 11 percent per year, 15 percent per year in the last 3 years. I am also pleased to say we have provided a 33 percent increase in the amount of awards. This funding brings hope and opportunity for patients across the Nation. With this money, we will continue to lead the world in our quest for cures for Alzheimer’s, Parkinson’s, diabetes, cancer, and other diseases that wreck families and cause loss of quality of life for our citizens.

Mr. Chairman, as a woman, a mother, and a member of the Committee on Appropriations, I am pleased to be a part of this historic NIH increase. I think this is an important day for patients and, also, quality care.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, at a time over the last few days when we have listened to such prominent leaders in our business community like Bill Gates at Microsoft and Andrew Groves at Intel and Carly Fiorina at Hewlett-Packard say that we need to do more in terms of quality in education, we need to do more in terms of new ideas, we need to do more in terms of technology, we need to do more in terms of training our teachers to learn how to use the technology. This bill does less.

At a time when we are facing a new economy with new challenges in the digital divide with some of our students, if they are black or Hispanic, not having equal access with this digital divide there. But we are doing less at a time when, according to the Wall Street Journal a few weeks ago, schools are turning to temp agencies for substitute teachers, and it quotes the Kelly Services going out into the community to put substitute teachers into our schools.

Now, I think the quality of teaching is the single biggest need in this country because we will need 2 million new teachers. But a portion of this is mandatory, and we have to increase it a certain amount. But if we look at the discretionary portion that we have the opportunity to either increase or decrease, the discretionary portion is increasing nearly 15 percent.

Pell Grants, for example, are going from $2,300 in 1994 to $3,500 in this bill. It is over a 50 percent increase since 1994.

We are doing some wonderful things in this bill. I think the body ought to take that into consideration. The priorities may be different, but it is a good bill and I urge its passage.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this bill, but I do so with great sadness because I have such great respect for my friend, the gentleman from Illinois (Mr. PORTER), our chair, and the American today ordinary leader in this House from his commitment and his passion to the NIH budget, to his initiative to produce better health outcomes for our kids, to...
increasing resources for the world-class CDC.

The gentleman from Illinois (Mr. PORTER) represents the very best of this institution. His integrity, his commitment, his passion to do the right thing, and to do this in a way that is indeed for this great Nation of ours. Without him, we will be a lesser House. But I have such great confidence that the gentleman will continue to make a major contribution in the field of his choice and to this great Nation. We are really going to miss him. He is a friend. He is a great colleague. I have the greatest respect for him.

I also wish, quite frankly, that our colleagues had seen their way to giving him a more fitting allocation in his final year. I serve on this subcommittee with such pride. It was the committee I chose. I wanted it so badly because I believe all the good things that this committee does. I believe so strongly that the Federal Government must be a partner in meeting the need to educate, to be healthy, protect the safety of our children, our workers, and our families. The gentleman has made it very clear that he is not satisfied with the allocation our subcommittee has received, and I am ready to work with him and my colleagues to improve this bill so that at the end of the process we can pass a bill that we can be very, very proud of.

But I also stand with the gentleman from Wisconsin (Mr. OBEY) who has passionately and consistently made the case for a true appropriations process and for a real Labor-HHS bill. Americans deserve that and so does this House. This is the first time that I can recall that we have had a debate on a Labor-HHS bill since 1997. Unfortunately, we have not made much progress in the bill this year. Members on both sides of the aisle have already conceded that the House bill is going nowhere. It is almost $3 billion below the President's request for the Department of Education, $1.7 billion below the President's request for the Department of Labor, $1.1 billion below the President's request for the Department of Health and Human Services. The bill did not even make it out of subcommittee without the White House issuing a veto threat. The bill contains major reductions in the President's budget for education, health care, and worker safety and training. It sidesteps once again our national crisis in school modernization. In the end, the bill before us is about $6 billion below the President's request and close to $8 billion below the Senate's level. Our Nation is growing. We have pressing needs in education, health care, and training. Yet there are no funds for this important class size reduction that the President has requested that will place 100,000 new teachers in our schools. There are, as I said, no funds to renovate the schools so they can perform urgently needed safety and health repairs. $1 billion is cut from teacher quality improvement and recruiting efforts. There are no funds to increase our effort to keep women safe during pregnancy, despite the terrible rate of abuse occurring among mother and their families. It level funds our critical domestic violence shelters program and the Hotline service. Compared to the President's request, the bill is a 40% cut in after-school programs, one of my top priorities, and a $600 million cut in Head Start. Despite the troubling trends of violence and alienation among our young people, no funds are provided for elementary school counselors.

We have the resources now to address the changing needs of our workers, in the Internet economy, and of our students—many of whom are adults trying to build up their skills. We have the resources now to provide a secure and healthier retirement for our seniors, and fund the world-class health prevention research that the United States is known for—but this bill does not take advantage of the extraordinary opportunities this tremendous economy has provided. That's why I oppose this bill, and why I urge my colleagues to defeat it.

Mr. PORTER, Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER), a member of the subcommittee and wonderful job for his constituents in Florida. Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. It has indeed been a pleasure to serve with such a distinguished Member who, unfortunately, is leaving us. One thing I do agree with my colleagues on the other side of the aisle, that we all feel very strong about the wonderful job and the leadership he has provided this committee over the years. It has been a real special honor for me to have that opportunity.

Mr. Chairman, I rise in support of this year's bill. One of the things I am most proud of in my service here is we have a Congress that has finally had the opportunity of having a balanced budget and a surplus. It is hard work to have a surplus in government. We have to have some real goals and be committed to a balanced budget concept. But now that we have a surplus, it seems so easy to say, let's spend more money, let's spend more money.

Yes, there are some good things that we spend money on. A few decades ago, Everett Dirksen used to say, "A billion here, a billion there, we're talking about real money pretty soon." This bill is $2.4 billion more in discretionary spending than last year. That is real money. There is an increase in spending in this bill. To say, oh, my gosh, the sky is falling, all these Chicken Little stories that things are falling apart. Hey, there is more money in this bill. We are funding the highest priority programs.

One of the programs that I think, as the gentleman from Illinois (Mr. PORTER) does, too, the crown jewel of the government is the National Institutes of Health, cancer research, Alzheimer's research, diabetes research, AIDS research; and thank goodness, under the gentleman from Illinois' leadership we have had a great increase in that spending.

Look at this chart. Look at how it has grown back from when the Demo- cratic Congress was in power. Not under Republican leadership, look at the rate of growth. Look at that growth rating that has been going on since the Republicans took over. We need to be proud of that, because that is a high priority. As a fiscal conservative and as someone who has a good record of voting to cut, we've got to restrain spending. I believe basic research is one area we should put our resources in and can be proud of because that is something that we should continue to support. This is a good bill. I urge my colleagues to support it.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished ranking member for yielding me this time and for his extraordinary leadership on establishing budget priorities for our country which are in keeping with our national values.

Mr. Chairman, in reviewing this bill that is before us today, I am reminded of the story of someone who said how come so many good mathematicians come out of MIT, and the answer is, because we send good mathematics students to MIT. Why is this a very bad bill? Because very bad budget considerations went into this bill.

This is a bad bill. Compared to the President's budget, it would cut $2.9 billion from education services, cut $1.7 billion from labor with cuts to workforce development and safety investments, and cut more than $1 billion from critical health programs. This is a bad bill also because it eliminates and cuts services for America's senior citizens and their families.

And why? Why are we forced to vote on this bad bill? We are forced to vote on this bad bill because Republican House leadership passed a bad budget resolution that puts tax cuts for the wealthiest Americans above investments to promote America's education, workforce and health services. Their $175 billion tax cut exceeds the projected budget surplus and requires deep cuts in nondefense discretionary appropriations. The result was a Republican-designed budget resolution that was so bad that even the Republican chairman of this subcommittee opposed it.

And soon we will be voting on a measure to repeal the estate tax. Within 24 hours, we will be cutting education and we will be repealing the estate tax. How could that be a proper statement of our national priorities? Repealing the estate tax will provide over $50 billion to the wealthiest 2 percent of Americans. How much is enough? When will Republicans be satisfied with the amount of money they have given to the wealthy and turn their attention to the majority of...
Mr. Chairman, I yield 2 1/2 minutes to the distinguished gentleman from Connecticut (Ms. DeLAURO).

Ms. DeLAURO. Mr. Chairman, this Republican bill puts irresponsible tax breaks before critical funding for education. We need to invest in our schools so that our children receive the best education in the world and are prepared for working in a 21st century economy. We must expect the best from our schools, then give them the tools that they need to succeed. Smaller classes help students to get individualized attention, discipline, and the instruction that they need. But the Republican bill repeals efforts to hire new teachers to reduce those class sizes and will not make classrooms the places where our students can learn and our teachers can teach.

The most important thing that we can do for our children’s education is to make sure that teachers are highly qualified in their subjects and well trained in new technology. Yet this Republican bill cuts teacher training and recruitment by $1 billion. The bill cuts reducing classes helping 100,000 children and math improvement programs for another 650,000 youngsters. It cuts after-school programs by 40 percent; programs that serve 1.6 million children in more than 3,000 schools across this country.

By denying a $1.3 billion in funding for local school districts to make urgent and needed repairs to school buildings, this bill denies 5,000 school districts the leverage that they need to fix leaky roofs, upgrade plumbing and bring school into compliance with local safety codes. It cuts Head Start funding by $400 million, denying more than 50,000 low-income children critical Head Start funding. And it eliminates funds for more than 640,000 high school seniors.

Budgets are not numbers on a page. We bring to life our values and our priorities through our budgets and the bills that we pass in this people’s House. This Republican leadership bill denies the opportunity to make sure our youngsters get the very, very best start in life. It does not reflect our values. It does not reflect our priorities as a Nation. It does not give education the proper place that it deserves in our society. We have a responsibility to make sure that young people in every part of the country, no matter what their background is, no matter what their gender is, be able to achieve according to the talents that they have been given by God this country. It is a bad bill. We ought to turn it down.

Mr. PORTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. Northup), a valued member of our subcommittee.

Mrs. NORTHUP. Mr. Chairman, first of all, I want to say that as a mother of six children, the issues of health and education are near and dear to all of our hearts, especially as we look at our children and the challenges they face. I want to thank the chairman for the leadership of this committee that addresses what the needs are of children and every community across this country. He has been supportive, he has been encouraging, and his manner of balancing the differing opinions have been really very inspirational.

Mr. Chairman, I think of the story of the child who had a $5 allowance and came in to see his dad and said, Dad, I really need a raise in my allowance. Can I have $10? The father said no, but I will give you a $7 allowance. He said, well, why are you cutting my allowance?

This is what we see on the other side. People who think an increase is a decrease. When they talk about the quality of schools, I can tell my colleagues that there must have been a few classrooms across this country that they attended where the difference between addition and subtraction was not made clear.

In this bill, we are adding money to education. But really, the bill and the debate here is very much at the crux of the difference between the minority party and the majority party. The fact is, we are listening to our schools. Our schools reflect what the challenges are that each school faces.

It is no wonder that some people come to this Congress and say, we need to build more school buildings. Others say we need more teachers. Other say we need to be able to raise our teachers’ salaries so that we attract more quality students into our classrooms. Other people come to Congress and say, no, we need to invest in technology. But we are in every community, the challenges are different, what States have invested in already are different. Some States have made a tremendous investment in school buildings. But they are eager to raise the salary of their teachers so that they attract high-quality teachers.

Mr. Chairman, we believe that the money should go back to the schools, back to the communities where they decide what the critical needs are. I thank the Chairman for a bill that reflects their needs.

Mr. OBEY. Mr. Chairman, I yield 3 1/2 minutes to the gentleman from Maryland (Mr. Hoyer).

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

I too congratulate the gentleman from Illinois (Mr. Porter) for his leadership of this committee, but this bill does not reflect the gentleman’s leadership; and it ought not to be hung on his name because if he were in charge, this would not be his bill. These would not be his figures. This would not represent the depth of his leadership; and it ought not to be hung on his name because if he were in charge, this would not be his bill. These would not be his figures. This would not represent the depth of his
Mr. Chairman, we have had a number of people stand up here and say oh, what you Democrats want to do. Do you not want the American public to know what we want to do, our colleagues in the United States Senate have already done in committee, the 302(b) numbers were put out of the subcommittee of which I have been a part of for my eighth year. I say to the gentleman that he is a person who all of us respect tremendously in this body; and he will be sorely missed, and we will work hard to pass this last and final bill that he has put out of the subcommittee of which I have been a part of for my eighth year and have learned so much under the gentleman’s leadership; and I look forward to carrying on its legacies at this desk. We will not be served, but that the Senate must wonder, why are we having this debate? Because we are discussing the priorities. So let us not delude ourselves, I say to my friends, we have had a number of people stand up here and say oh, these numbers are not good; but we had to do this because the budget makes us do it. However, nobody made us adopt the budget. Nobody made us adopt the large tax cuts for the wealthiest Americans. That going to shortchange children and families. I tell my friend from North Carolina, nobody made us do that. We did it ourselves. Not with my vote, but it was done. And as a result, we are going to talk about the number of children and families that will not be served, but that the Senate wants to serve on both sides of the aisle and that we want to serve. I hope my Republican colleagues will support my amendment.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PEASE). Members are reminded that they are to refrain from characterizing positions taken by Members in the other body. They also believe that our Republican colleagues are undercutting America’s children and America’s families and America’s health; they too, our Republican colleagues in the Senate, not just our priorities, is because there is one group that does not agree with most of the other groups; and it is, I say to my friends, the Republican Conference within the House of Representatives.

Mr. Chairman, I strongly urge all of my colleagues to support this bill. I urge today in support of H.R. 4577, the Departments of Labor, Health and Human Services and Education Appropriations Act. It seems that year after year, this bill attracts more and more rhetoric about how it will devastate American families, American work-ers, the elderly, . . . you name it. The truth is this bill is the People’s bill and it will help the American people.

This bill provides vital funding for important labor, health and education programs while maintaining the fiscal responsibility that the American people demand of us. We have made some tough decisions and have funded high priorities.

The other side claims that we have cut health care, cut education, cut job training. Since when is a $4 billion increase a cut? Let me set the record straight.

The bill increases funding for the community health centers program by $81 million, $31 million more than the President requested. This means that more uninsured Americans will have access to high quality health care in their communities.

The bill increases funding for the health professions programs by $69 million, $113 million more than the President requested. These programs provide vital training for health care professionals, many of whom go on to provide care to patients in medically underserved areas. The President’s budget zeroed out funding for primary care physicians, dentists and gerontologists—denying opportunities to those students and denying health care to patients.

The bill increases funding for the TRIO programs by $115 million, $35 million more than the President requested. These programs provide vital training for health care professionals, many of whom go on to provide care to patients in medically underserved areas. The President’s budget zeroed out funding for primary care physicians, dentists and gerontologists—denying opportunities to those students and denying health care to patients.

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the country, because this bill's allocation is economically short-sighted. For some in America, the economy is booming and unemployment is at its lowest rate in the last 30 years; yet the economy is not booming for all Americans. Particularly, in my congressional districts on the North side of Chicago like the chairman's have more jobs than people. In my district, there are more people than jobs. Hence, the chairman and his political party and the Republicans want less government and less taxes.

I am a Democrat who is progressive and, in the absence of a private sector in my congressional district, I need more government services; my constituents need them, to make a difference in the shortfalls in their lives. For example, in the last several years, the number of people in this country who are uninsured and underinsured has increased, and several million in the Chicago metropolitan area that primarily finds itself on the South Side and the south suburbs that I represent. This bill could have provided an opportunity for us to leverage the benefits of this booming economy so that no American is left behind.

I appreciate all of the competing interests that must be balanced in this bill. Unfortunately, the mark has been dealt by the chairman a bad hand and he has been given an allocation that cannot adequately improve the lives of all Americans.

In Title I of this bill, this mark cuts $322 million out of the President's request for summer jobs, serving 72,000 fewer at-risk youth. Compared to the FY 2000 level, the House mark cuts $75 million, serving 34,000 fewer youth. As a result, efforts to ensure that today's youth have 21st century skills for 21st century jobs and can compete successfully in the growing economy will be thwarted, hurting not only young people, but also employers and the economy. The funding for four programs of particular interest to me are grossly underfunded.

SLASHES THE YOUTH OPPORTUNITIES INITIATIVES BY OVER 50 PERCENT

Congress provides funding for the first 2 years of a 5 year commitment by the President to increase the long-term employment and educational attainment of youth living in 36 of the Nation's poorest urban neighborhoods and rural areas. The House mark cuts $200 million out of the President's $375 million request, eliminating the proposed expansion to 20 new communities and potentially reducing third year grants to the existing 36 communities. This will deny 40,000 of some of the most disadvantaged youth a bridge to the skills and opportunities of our strong economy and alternatives to welfare and crime—increasing 15,000 youth in the existing projects. The demand for these funds is high—over 160 communities sought these limited resources and developed the broad partnerships and comprehensive plans as part of last year's grant process. These deserving communities and their young people will not get a second chance.

CUTS SUMMER JOBS AND YEAR-ROUND TRAINING FOR 12,575 DISADVANTAGED YOUTH

For Youth Activities (the program that combines Summer and Year-Round Youth), the House mark provides only $1.001 billion, a decrease of $21 million, or 2% below the President's request level. This action reduces the estimated number of low income youth for FY 2001 in this program by 12,575 below the request. These cuts will compound the difficulties communities are experiencing this summer due to the structural changes in the program required by the Workforce Investment Act. This important program provides the first work experience for many at-risk youth, offering an important first step that can lead to a life of self-sufficiency and independence. Over one-half of these jobs go to 14-15 year olds who generally are not employed by the private sector.

The House zeros out the President's request to provide $40 million to enable DOL to join the existing DOJ, ED, HHS partnership in supporting community-wide programs to prevent youth violence and drug abuse, and to expand the effort to address out-of-school youth. Without these funds, no new communities can join this very successful effort.

These programs are in serious trouble. At the very least this bill should work to protect the most vulnerable in our society. The cuts to these programs below the President's recommended budget and the FY 2000 levels will produce tragic results for this nation's most vulnerable youth.

This bill could have provided an opportunity for us to leverage the benefits of this booming economy so that no American is left behind. I appreciate all of the competing interests that must be balanced in this bill. Unfortunately the chairman has been dealt a bad hand and he has been given an allocation that cannot adequately improve the lives of all Americans.

In Title I of this bill, this mark cuts $322 million out of the President's request for youth programs, serving 72,000 fewer at-risk youth. Compared to the FY 2000 level, the House mark cuts $75 million, serving 34,000 fewer youth. As a result, efforts to ensure that today's youth have 21st century skills for 21st century jobs and can compete successfully in the growing economy will be thwarted, hurting not only young people, but also employers and the economy. The funding for four programs of particular interest to me are grossly underfunded.

SLASHES THE YOUTH OPPORTUNITIES INITIATIVES BY OVER 50 PERCENT

Congress provides funding for the first 2 years of a 5 year commitment by the President to increase the long-term employment and educational attainment of youth living in 36 of the Nation's poorest urban neighborhoods and rural areas. The House mark cuts $200 million out of the President's $375 million request, eliminating the proposed expansion to 20 new communities and potentially reducing third year grants to the existing 36 communities. This will deny 40,000 of some of the most disadvantaged youth a bridge to the skills and opportunities of our strong economy and alternatives to welfare and crime—including 15,000 youth in the existing projects. The demand for these funds is high—over 160 communities sought these limited resources and developed the broad partnerships and comprehensive plans as part of last year's grant process. These deserving communities and their young people will not get a second chance.

CUTS SUMMER JOBS AND YEAR-ROUND TRAINING FOR 12,575 DISADVANTAGED YOUTH

For Youth Activities (the program that combines Summer and Year-Round Youth), the House mark provides only $1.001 billion, a decrease of $21 million, or 2% below the President's request level. This action reduces the estimated number of low income youth for FY 2001 in this program by 12,575 below the request. These cuts will compound the difficulties communities are experiencing this summer due to the structural changes in the program required by the Workforce Investment Act. This important program provides the first work experience for many at-risk youth, offering an important first step that can lead to a life of self-sufficiency and independence. Over one-half of these jobs go to 14-15 year olds who generally are not employed by the private sector.

The House zeros out the President's request to provide $40 million to enable DOL to
Mr. BARRETT of Nebraska. Mr. Chairman, I rise today to discuss a program that has been left out of the Labor-HHS-Education bill as it is currently drafted, the Rural Education Initiative Act, which I introduced and which the House passed as part of H.R. 2, last October.

The Rural Education Initiative Act provides small rural school districts with additional funds and flexibility to help meet their unique challenges posed by the most current Federal formulas. It would affect about 39 States, has wide bipartisan support, and it has been endorsed by over 80 education organizations.

I am fully aware that enacting the Initiative Act would require authorizing on an appropriations bill, and I hope the ESEA will be reauthorized and we will not have to ask the appropriators for their support. If ESEA is not reauthorized, there are a lot of small rural schools out there that cannot wait another year for Congress to act. They need the flexibility and they need the assistance now.

Although I choose not to offer an amendment at this time, Mr. Chairman, I hope that as we continue through the process, Members would consider adding the provisions of the Act to the bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. BALLANGER).

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

Mr. Chairman, I would like to praise the increased funding for the Individuals with Disabilities Education Act, IDEA. This bill provides over $6 billion in funding for IDEA for fiscal year 2012. This is a $500 million increase in funding from last year, $210 million more than the President requested.

Congress moves one step closer to honoring the commitment made to the States and local school districts 24 years ago. In 1975, Congress promised to contribute 40 percent of the average per pupil cost to assist States and local schools. This chart shows the funding first by the Democrats, very slowly, and later by the Republicans, and we can see we are trying, so $500 million is a good beginning.

Mr. PORTER. Mr. Chairman, I am pleased to yield time to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I want to thank the gentleman from Illinois (Chairman PORTER) for all the work he has done on this bill with the types of constraints we have this year. I think it is a shame that in his last year here in Congress we could not have made it easier for him, but I think he has worked real hard to fund important programs to improve the education, health, and well-being of all Americans.

I commend him very much for the hard work that he has done to double NIH over the 5 years, increase funding for graduate medical education for children's hospitals, and in strengthening our Nation's community health centers.

From one who represents a very poor area, a very rural area, the fact that he was able to increase out community health centers by $81.3 million is a huge boost to those people who are under-served in my area, who do not have access to affordable health care, and every dollar that we spend on community health centers will help the uninsured have access to improved health care than they presently have.

I also want to just mention quickly the $200 million increase for impact aid funding. These help reimburse our localities for revenues lost. I can tell the Members, with so much public land in my district, this is going to be a very big boost.

I would ask my colleagues to support this bill.

Mr. PORTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. SHAW).

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

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding time to me. I, too, want to congratulate the chairman on a very fine bill.

As the chairman of the Subcommittee on Social Security, I would like to discuss the provisions of H.R. 4577 that fund the social security programs.

Social security touches nearly every American family. In 1999, the Social Security Administration paid social security and SSI benefits to more than 50 million beneficiaries. Without a doubt, continuing to provide timely, accurate benefits and world class service will remain Social Security's number one mission in the years ahead.

This mission will become more complicated as the Baby Boom generation enters its peak disability years and then reaches retirement age starting in 2008. By 2010 Social Security retirement benefit claims are expected to rise by 16 percent and disability claims by 47 percent. For an agency facing a wave of retirements by its own workers and high expectations from customers, that's a great challenge.

This is no idle concern. Although Social Security is widely regarded as among the best-administered federal programs, the need to improve service was highlighted to a recent report by the bipartisan Social Security Advisory Board.

This report concluded "there is a significant gap between the level of services that the public needs and that which the Agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed."

That's why I'm pleased that the amount of funding provided for the Social Security Administration is very close to the Administration's request. The Commissioner requested, and was denied, a further $200 million increase by the President.

Through this bill, the Social Security Administration's funding has increased by nearly half a billion dollars compared to last year. That's a 7 percent increase, substantial by most standards as we try to adhere to our overall spending blueprint.

I, for one, am quite willing to add resources to the Social Security Administration to provide better service, increase productivity, combat waste, fraud, and abuse, and further modernize technology at the agency. House floor action is just the first step. The Senate expects to approve funding at a level slightly higher but close to ours. We will then have the opportunity to work with the Administration to arrive at agreeable funding levels.

Unfortunately, this agency finds itself in the midst of a very unusual set of budgetary rules. Its administrative expenses paid directly from payroll tax receipts, all benefits are considered mandatory expenses, yet due to complex and unclear scoring rules the costs to run this agency are counted as part of the discretionary spending cap.

With budget surpluses in both the Social Security and Medicare categories, it is time for Congress to clarify these antiquated and haphazardly drawn budget rules so the Social Security Administration can effectively prepare for the service delivery challenges of the baby boom retirement. Workers who finance this vital program with their hard-earned wages will expect nothing less.

In the coming days, I will introduce legislation which frees the Social Security Administration from these outdated scorekeeping rules to ensure workers and their families receive the public service they paid for and so well deserve.

Earlier this year, I had the opportunity to testify before the Labor-HHS Subcommittee regarding to show my commitment to the goal of doubling funding for the National Institutes of Health. The breath-taking pace of NIH-sponsored research being conducted by scientists nationwide is only dwarfed by the tremendous amount of very promising research that is not yet funded.

I strongly support the $20.8B in funding for NIH, a $2.7B increase over the current year.

I would also like to briefly highlight my support for several specific areas of NIH research funded in this bill for Alzheimer's Disease, Cystic Fibrosis, and Polycystic Kidney Disease (PKD).

I also support H.R. 4577 because it contains $70.4B in funding for Medicare and $93.5B for the federal share of Medicaid. Make no mistake about it—this Congress is keeping our promise to provide health care to the most vulnerable Americans—seniors, women and children.

And speaking of our children, there is no more important issue than education. I am proud that H.R. 4577 contains an increase of $1.65B for education programs. Roughly $40B will be dedicated to the education of our children next year and this education funding deserves our strong support. Let me say that I believe we all wish that we could provide a larger increase for education programs, however, we also have a fiduciary responsibility to our children and grandchildren, and this bill does a good job of balancing each of these important priorities.

In closing, I urge my colleagues to support H.R. 4577. It is a good bill put together by an excellent Chairman, Mr. PORTER. I thank Mr. PORTER for his exemplary tenure, and wish him the best in his retirement.

H4062 CONGRESSIONAL RECORD—HOUSE June 8, 2000
Mr. Chairman, we plan to offer some legislation in the next few days which will help us as the baby boomers get into this very important retirement program.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The gentleman from Wisconsin (Mr. OBEY) is recognized for 3½ minutes.

Mr. OBEY. Mr. Chairman, I just want to use this time to respond to a couple of claims made by our friends on the other side.

One of the speakers said they have had a big increase in the National Institutes of Health budget. What they are trying to do is have it both ways. This bill pretends that it is appropriating $2.7 billion in additional money for the National Institutes of Health, but it has language tucked into the bill which says that only $1 billion of that can be spent. I do not regard that as real money.

The gentleman from Oklahoma (Mr. ISTOOK) indicated that this bill is $12 billion above last year. That is because they are at last year’s cost, which was $95 billion. They hid billions of dollars in spending last year. In fact, when we take a look at all appropriation bills last year, they hid more than $45 billion, so they are pretending that is the same as a $12 billion increase above last year’s procured level of last year, which is $45 billion higher than they are continuing to admit.

On Pell grants, they brag about what they are doing for Pell grants. What is a double game their party has played on that issue. Last year they passed an authorizing bill telling the country they were going to raise Pell grants by $400 for the maximum grant. They then they were going to raise Pell grants by authorizing bill telling the country that issue. Last year they passed an

Mr. PORTER. Mr. Chairman, I yield myself the balance of my time.

The chairman pro tempore of the committee, Mr. PORTER, is recognized for 2 minutes.

Mr. PORTER. Mr. Chairman, for 40 years the minority party controlled the House of Representatives, and most of that time the Senate, as well. For all these years, we have voted for $30 of those years, at least, they ran one deficit after another, some of them approaching $300 billion a year.

In the 5 years that the majority party has controlled the House of Representatives, we have reduced the deficits to zero. We now run surpluses, and we are engaged in arguments as to how that money should best be spent.

I believe very strongly we should commit to doubling the funding for the National Institutes of Health over 5 years, and we have provided 15 percent for the last 2 years. We intend and will do our best to provide an additional 15 percent this year to get us to that ultimate doubling in the 5-year period on a compounding basis.

It is fascinating to me that the minority wants to make an issue of that. We agree on it. The only difference is we are having to operate within the constraints of a budget resolution, and it is very easy to criticize when there are no constraints whatsoever.

Special education is a great case in point. Where I believed once the Chamber, they got it up to 6 percent. In the last 5 years, we have it up to 13 percent. We have increased funding for special education by $3 billion over that time period, and are doing a much better job toward getting us towards that goal of 14 percent, where we ought to be, than has ever been done before. Yet, no credit is given by our colleagues on the other side of the aisle. I believe within the constraints of fiscal responsibility we are doing the best that we can to address the needs of people in very demanding Members to support this bill very strongly.

Mr. MOORE. Mr. Chairman, tomorrow, the leadership of this House will ask us to support an estate tax cut that benefits fewer than two percent of Americans. You might ask—how much will it cost to give a tax break to this tiny fraction of Americans? The answer is $104 billion over ten years, and an explosion of $50 billion per year after that.

Today, the leadership of this House gives us the choice between special education children and our neediest children receiving Title I assistance, the children of the armed services, families who need child care and college students who need Pell Grants.

Why must we rob Peter to pay Paul? Why do we have to choose today between our children with special needs and Ryan White AIDS funding? Or the Centers for Disease Control? Or mental health block grants? Or after-school funding?

Because the leadership of this House would prefer to spend $104 billion giving tax cuts to the estates of the wealthiest one of every 1,000 people who die.

But what about special education? The bill in front of us includes $6.6 billion in funding for special education. $514 million over last year’s funding but short of the $16 billion we need to fulfill the longstanding federal commitment to our most vulnerable children. This $104 billion tax cut could fully fund the federal government’s share of special education costs for six and a half years. This seems strange, because today we in the House will vote again and again to add need money to special education, but our only choice is to divert it from other programs that benefit people who don’t have K Street lobbyists—our kids.

Mr. Chairman, I unequivocally support increasing funding for special education—I have supported it again and again on the floor of this House. In fact, I cosponsored with my colleague Mr. VITTER’s bill that would fully fund special education in two years.

But it is clear to me, as it should be clear to the American people, that funding special education is unfortunately not the real priority of the leadership of this House.

Mr. BLUMENAUER. Mr. Chairman, my goal in Congress is the promotion of livable communities; communities that are safe, healthy and economically secure. By definition, livable communities must have a top-notch school system and must protect the physical and mental well-being of children, adults and seniors.

The annual Labor, Health and Human Services and Education Appropriations bills form the primary Federal contribution to meet these critical needs.

Unfortunately, this year’s Labor, Health and Education bill (H.R. 4577) falls short and I must oppose it. H.R. 4577 cuts from the President’s budget $1 billion in teacher quality and improvement programs and $38 million that would have ensured 1.6 million elderly and disabled Americans receive quality nursing care. The bill also leaves out $1.3 billion in payments for the education of disabled children, money that the House of Representatives has indicated, by vote, should be provided to local school districts. The list goes on.

I am extremely discouraged that H.R. 4577 underfunds health and education programs
while at the same time Congress is setting a course for a broken budget. Overall FY 2001 spending will certainly mark an increase over FY 2000 spending. With a $21 billion increase in defense spending for FY 2001, it is not hard to guess the priorities of this Congress. We are preparing to spend $60 billion over the next 15 years on a national missile defense system that will not work, but spending little in today’s bill to ensure our children will grow up prepared to work.

Tomorrow, the House takes up an estate bill that offers enormous benefits to a few hundred of the wealthiest people in America, whose billions in unrealized capital gains will pass to their heirs without ever having been taxed. When fully realized, these estate tax changes will drain $50 billion a year from the Treasury. I am a champion of providing targeted estate tax relief to family farms and businesses, which we can do for relatively few dollars. But instead of a targeted estate tax bill, one that would leave enough revenue to insure the 11 million American children who go without health coverage or help seniors buy prescription drugs, Congress is racing to pass a fiscally irresponsible tax cut for those who need it least.

Mr. Chairman, I realize that H.R. 4577 is, and should be, a work in progress. Unfortunately, not enough progress has been made. I am votive of the knowledge that H.R. 4577 will be back in the House at a later date and call on my colleagues to rethink our funding priorities.

Mrs. MALONEY of New York. Mr. Chairman, I rise today to speak against this ill-conceived legislation that hurts working American families.

This legislation will prevent the Department of Labor from issuing common-sense, scientifically-based workplace safety standards. These reasonable standards will ensure that workplace safety guidelines are in place to prevent increasingly common workplace injuries.

More than 647,000 Americans suffer serious injuries and illnesses due to musculo-skeletal disorders each year. These injuries are currently costing businesses $15 to $20 billion annually in workers’ compensation costs.

Tragically, these injuries disproportionately affect women workers.

Although women make up 46 percent of the workforce and 35 percent of those injured, 63 percent of repetitive motion injuries happen to women.

Women experience 70 percent of carpal tunnel syndrome injuries that result in lost work time.

This is unacceptable and we must act now to prevent these injuries.

Americans who are willing to work hard each day to support themselves and their families deserve reasonable standards to prevent workplace injuries.

Many of these workers who will be covered by these common-sense guidelines often work more than one job just to make ends meet.

They work long hours loading trucks, moving boxes, and delivering packages.

Their jobs aren’t easy, but they are willing to show up every day and do their best. The thing that these hard-working Americans want is to get hurt. These sensible standards will keep them on the job and prevent costly workplace injuries.

Opponents of these common-sense guidelines claim that they will “regulate every ache and pain in the workplace.” This is simply not true. These standards will only ensure that companies make someone responsible for ergonomic standards and that employers are not afraid to report these injuries. This is hardly an overwhelming request. Let’s eliminate this language today and give hard-working Americans the chance to avoid these career threatening injuries.

I would also like to register my support for the additional resources requested by the Administration for the National Labor Relations Board and OSHA.

These agencies are doing everything possible to improve the health and safety of the workplace. We should support their efforts.

I urge all of my colleagues to stand with hard-working Americans and to oppose this harmful legislation.

Mr. REYES. Mr. Chairman, I stand in strong opposition to the passage of the 2001 Labor, HHS, and Education Appropriations bill because it severely shortchanges programs that are extremely important to the education of our children and because it hurts displaced workers. I urge my colleagues to oppose it.

The first problem with this GOP bill is that it severely shortchanges education—by $3.5 BILLION. This is a $1.3 BILLION below the President’s commitment to hire 100,000 new teachers and to reduce class sizes.

I am convinced by the fact that this bill would eliminate Head Start for some 53,000 children and cut $1.3 BILLION for urgent repairs to schools across the country. These are critical issues for my district and for many districts across the country. This bill will also eliminate school counselors serving 100,000 children. This action will deprive schools of the professionals they need to identify and help troubled children.

This bill also does considerable injustice to Bilingual and Immigrant Education. The amount included in the bill for programs addressing these issues is $54 million below the budget request. The professional development of our bilingual education teachers is critically important.

The Labor, HHS, and Education bill in its current form provides an amount that is $28.5 million below the budget request for the important programs of Bilingual Education Professional Development. The grants that are provided for the development of our teachers in bilingual education are needed to increase the pool of trained teachers and strengthen the skills of teachers who provide instruction to students who have limited English proficiency.

These funds support the training and retraining of bilingual teachers. The disparities in minority education will be increased if this bill is passed.

Secondly, this bill severely shortchanges programs that assist displaced workers. This is a major issue for my constituents in El Paso, as I know that it is for many of you in your home districts.

In El Paso and in other areas along the U.S./Mexico border, NAFTA has created many displaced workers, and this bill does an injustice to programs that could help them. For example, the bill cuts assistance to over 215,000 displaced workers and it cuts the dislocated worker programs by $207 million, below the 2000 level of $1.3 BILLION.

These cuts will make it more difficult for these workers to find jobs. This bill also cuts adult job training for almost 40,000 adults. The cuts in adult training programs equal $93 million or 10 percent below the request and 2000 levels.

Finally, this bill provides only $9.6 million for employment assistance to another class of displaced workers: Our homeless veterans. There are over a quarter million homeless veterans in this country, and the provisions in this bill make it extremely unlikely that thousands of these Americans who have faithfully served their country. This is unacceptable.

The root of these problems is that in order to pay for the proposed Republican trillion-dollar tax breaks for the wealthiest Americans, we are cutting programs needed to educate our children and to assist displaced workers. Again, I stand in strong opposition to passage, and urge my colleagues to oppose this bill.

Mr. SANCHEZ. Mr. Chairman, I rise today in opposition to this bill.

The bill before the House is very damaging to our nation’s schools.

It is simply unconscionable to cut education funding at a time when school enrollment is exploding. In my own district, in Orange County, I have seen the effect that the years of overcrowding have taken on our schools and the safety of those within them.

I remind my colleagues that Americans have told us—time and time again—that education should be at the top of our nation’s list of priorities. No education matter can be more important than keeping our schools safe.

This bill backs down on our promise to hire new teachers to keep classes small. When classes are too large, teachers can’t watch for the warning signs of impending trouble.

This bill refuses to help schools with emergency safety repairs to their buildings. School officials can’t focus on safety when they’re worried about leaking roofs and rotting pipes. And I remind my colleagues that this bill even cuts school counselors serving 100,000 children. We know we need trained professionals to help keep our schools safe, yet this legislation cuts funding for school counselors.

With this bill, we’ll lose after-school care, teacher training, assistance for low-income communities, and Head Start programs. It endangers our communities and our schools, rather than improve them or make them safer.

I will vote against this bill, because I believe that failing to invest in our children is not in our nation’s best interests.

I urge my colleagues to oppose the Labor, Health and Human Services and Education appropriations bill.

Mr. GEKAS. Mr. Chairman, thanks to research done through the National Institutes of Health, the United States is the world leader in biomedical research. I wish to express my support for funding of the Labor, Health & Human Services and Education Appropriation bill. As we all know we are working towards doubling the NIH budget in five years. Although funding in this bill is not sufficient to continue that effort, but I know Chairman Young and subcommittee Chairman Porter will be working towards that goal as they work to finalize this bill, so I will be voting for the bill.

The benefits derived from biomedical research have led to medical breakthroughs that not only save lives, but have dramatically improved the quality of life for disease sufferers. We have proven that diseases can be detected, managed, eliminated

The benefits derived from biomedical research have led to medical breakthroughs that not only save lives, but have dramatically improved the quality of life for disease sufferers. We have proven that diseases can be detected, managed, eliminated...
and prevented more effectively through new medical procedures and therapies. Nearly completed research on the deciphering the human genome will literally transform the practice of medicine.

Despite these extraordinary advances that have occurred over the last twenty years, serious, health challenges still exist. Chronic diseases such as diabetes, Parkinson’s, Alzheimer’s, heart disease, cancer and stroke still pose enormous social and economic burdens to families throughout the world. Researchers in the United States, working through the NIH, are on the verge of finding cures for many diseases that still affect millions of people, but the key is funding to unlock the knowledge we need to find these cures.

The economic costs of illness in the United States alone are approximately three trillion dollars annually. This represents 31% of the nation’s Gross Domestic Product. While this research has spawned the biotechnology revolution, the future of that industry is dependent upon the continued advances in biomedical research. It is estimated that one billion dollars in NIH research saves approximately forty billion dollars in future health care costs. One single breakthrough can lead to spectacular financial savings for American families who face the burden of illness and care costs.

While past accomplishments are helping to find cures for the major illnesses of today, we must also look to the future challenges and benefits that increased funding for biomedical research will provide. It is estimated that by 2025, one of every five Americans will be over the age of 65. Because most of the chronic diseases and disabilities we face are associated with aging, it is vital that we double our research efforts. We must make the investment in research now to plan for the anticipated increase in the population of older Americans and to contain health care costs. In addition, the cost of illness threatens to rise because these diseases are constantly evolving to combat our own advances. Dangerous bacteria are growing more resistant to every new antibiotic because our scientists that have discovered new antibiotics must keep pace with the evolving face of disease.

Medical research represents the single most effective weapon we have to combat healthcare challenges today and in the future. We must build on the tremendous advances we have made in conquering and preventing disease by accelerating the momentum behind our medical research efforts. Therefore, increasing the funding for the National Institutes of Health should remain a top Congressional priority.

Two years ago, Congress pledged to double the NIH budget over a five-year period. Since then, Congress has increased the NIH budget by 15% each of the last two years. It is now time for Congress to take the third step by providing an additional 15% increase, continuing us on that path. This requires a $2.7 billion increase, which would bring the NIH budget to $20.5 billion in FY 2001. We must stay on track to double the NIH budget by 2003. This is an investment that will dramatically improve the lives of countless Americans now and for years to come.

Through this third down payment towards doubling the NIH budget, we look forward to enhanced research in some of the areas that have been presented at briefings to the Congressional Biomedical Research Caucus, which I co-chair. In fact, the increased investments that have recently been made are already leading to fundamental breakthroughs in the fight against diseases. One exciting illustration of the results of this new research comes from recent progress on the development of new “gene-chip” technologies, which can be used to generate genetic fingerprints that measure what genes are turned on or turned off in a particular cell. In the past year, American scientists have used gene chip technology to discover that several cancers that were once indistinguishable with standard diagnostic methods can now be distinguished by their genetic fingerprints. In one striking example, a type of cancer with highly variable outcomes has suddenly been recognized to be two different diseases. One type is aggressive and quickly fatal, the other is slower with a likelihood of longer survival. Thus, it may now be possible to identify patients with these two types of cancers and treat them differently with more appropriate therapies.

Similarly, substantial new investments in biological computing and a new area called bioinformatics are catalyzing the fusion of clinical medicine and information science. This important work will help us understand how each of our unique genetic constitutions predisposes us to different diseases and clinical outcomes.

A final example comes from new investment in bioengineering. Important new understanding of organ physiology, and cell growth is emerging rapidly. In the coming years, we expect that new research in these areas, stimulated by increased funding, will lead to the construction of new heart, liver, and pancreatic tissue for those in need of transplants or tissue-based therapy.

I will support this bill with the knowledge that this Congress will do everything in its power to continue the effort to double the investment in the NIH over the next five years. Mr. LEVIN. Mr. Chairman, they say that in politics, where you stand depends on where you sit. But the Labor-HHS-Education Appropriations bill the Republican leadership has brought to the floor looks bad from every seat you sit. And the Labor-HHS-Education Appropriations bill the Republican leadership has brought to the floor looks bad from every seat you sit.

The supreme irony here is that while the Republican Party is denying necessary funding for education, medical research and seniors, they plan to bring a tax bill to the Floor tomorrow that showers hundreds of billions of dollars in tax cuts on the very richest people in America. What does this say about the Majority’s priorities.

This bill fails kids, families, seniors, workers, and taxpayers. It does not deserve the support of the House, and I urge its defeat.

Mr. CLAY. Mr. Chairman, the Republican leadership has once again proceeded to bring to the floor a Labor, Health and Education Appropriations bill designed to please only themselves and their right-wing friends. H.R. 4577 fails to make needed investments in public education and the domestic workforce, and, as the result, would undermine American competitiveness in the 21st century. This bill has already received what has now become its customary and well-deserved veto threat from the Clinton administration. It is clearly going nowhere, and should be soundly defeated.

This bill was doomed from its inception, because the economic premise upon which it is based is flawed. Earlier this year, before the appropriations process began, the Republican leadership decided to resume its efforts to push for big tax cuts for the rich. They attached hundreds of billions of dollars of these tax cuts to the minimum wage bill and the budget resolution. This decision to squander the surplus, rather than invest it, severely reduced the funds available to meet many of our Nation’s critical needs.

Overall, the bill provides $2.9 billion less than the President request for the Department of Education, and $1.7 billion less for the Department of Labor. As the result, education,
job training, workplace safety, and other programs are either frozen or cut, significantly reducing the level of services that can be provided.

For example, the bill would slash Title I funding, forcing school districts to cut back on assistance to disadvantaged students. The Clinton/Clayton Job Training Initiative is gutted, leaving school districts without the resources to hire and train 20,000 more top-quality teachers. Adequate funding is denied for after-school and summer programs intended to improve student achievement and reduce juvenile crime. And no funds are provided to renovate crumbling and unsafe schools.

At the same time efforts are ongoing in the Congress to erase limits on the immigration of foreign workers to fill high-tech jobs, this bill would make steep cuts in the funding of training programs aimed at helping domestic workers fill them and other positions. Dislocated workers and at-risk youth are particularly hard hit by these cuts, even though they are the ones most in need of skills training. By failing to adequately invest in our own workforce, the Republican leadership is jeopardizing America's competitiveness and prosperity.

This bill also jeopardizes worker health and safety by shortchanging OSHA and blocking issuance of the ergonomics rule intended to prevent workplace injuries for the remainder of the year. The Wilson amendment would add insult to injury by cutting $25 million more from OSHA.

Mr. Chairman, this appropriation bill is a disaster. It fails to adequately invest in education, and in the development and security of the Nation's workforce. I urge a no vote on H.R. 4577.

The CHAIRMAN pro tempore. All amendments printed in Part A of House Report 106-657 are adopted.

The amendment printed in Part B of the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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

The Clerk read as follows:

H.R. 4577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

**TITLE I—DEPARTMENT OF LABOR**

**EMPLOYMENT AND TRAINING ADMINISTRATION**

**TRAINING AND EMPLOYMENT SERVICES**

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase and rental of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $2,552,495,000 plus reimbursements, of which $1,340,155,000 is available for obligation for the period July 1, 2001, through June 30, 2002, of which $1,175,965,000 is available for obligation for the period April 1, 2001, through June 30, 2002, including $1,000,965,000 to carry out chapter 4 A of the Workforce Investment Act and $175,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001, through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

**AMENDMENT OFFERED BY MR. JACKSON OF ILLINOIS**

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. JACKSON of Illinois:

Page 16, line 24, after the dollar amount, insert the following: "(increased by $13,361,000)".

Page 18, line 14, after the first dollar amount, insert the following: "(increased by $5,364,000)".

Mr. JACKSON of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PORTER) reserves a point of order on the amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I have a sound and sensible amendment that adds $1.25 billion to skills programs at the Department of Labor.

Specifically, this amendment adds $1.25 billion to restore the President's request for adult skills training.

It adds $389 million to restore the President's request for disabled worker assistance.

It adds $200 million to restore the President's request for youth opportunity grants.

It adds $254 million to restore cuts in the summer jobs program resulting from the implementation of the Workforce Investment Act.

It adds $63 million to restore the President's request for reintegration of youth.

It adds $30 million to restore the President's request for incumbent workers, $50 million to restore the President's request for employment services, $154 million to restore the President's request for one-stop career centers.

It adds $5 million to restore the President's request for homeless veterans, and it adds an additional $14 million to restore the President's request for disability initiatives.

At the dawn of a new century, Mr. Chairman, America must close the skill gaps and open the doors of opportunity.

This amendment invests in skills training that America's workers need to compete and succeed in the new economy. Some have argued that since the economy is so strong, we can afford not to invest in skills training programs.

I would argue that we cannot afford not to invest in skills training programs. An essential ingredient to sustaining the strong economy is to provide the skilled workers that businesses need. As Robert Kuttner, the BusinessWeek economist stated in his May 15, 2000 column, "what's holding back even faster economic growth is the low skill levels of millions of potential workers."
June 8, 2000  CONGRESSIONAL RECORD — HOUSE  H4067

This strong economy gives us the rare opportunity to bring skills and jobs to individuals and communities that have for too long been left behind.

The demand for skilled workers means that the 13 million Americans in the untapped pools of potential, young people, displaced workers, individuals with disabilities, veterans and people who want to get off of welfare, have a chance to get and keep good, family-supporting jobs.

Since January 1993, the unemployment rate has fallen 7.3 percent to 3.9 percent, its lowest level in 30 years. Over 21 million new jobs have been created. Employment-population rates are at record highs.

Yet, all have not prospered. Many Americans are being left behind. Pockets of extremely high unemployment, pools of untrained, underutilized workers exist; and the risk of becoming a dislocated worker remains high.

In April 2000, there existed 13 million untrained and underutilized Americans: 5.2 million who are unemployed, 4.4 million who are out of the labor force but want to work, and 3.0 million who work part time but want to work full time.

The booming economy has led employers to say that their growing inability to find skilled workers that they need has generated upward pressure on wages, translating into higher consumer prices.

Concern is mounting that the broad-based skills shortages are putting our boom in jeopardy. Furthermore, it is incumbent on Congress to disinvest in American workers at the very same time that we are debating the expansion of the H-1B visa program to offer job opportunities to foreign workers.

The workers we need to keep our economy growing are right here. They are in our cities and in our rural areas. They simply need to invest more in skills training, as the President proposed, not less, as the House bill proposes.

This Congress passed bipartisan legislation in 1998, the Workforce Investment Act, to establish a workforce system, with One-Stop Career Centers as its cornerstone, that would provide employers with skilled workers they need and provide information and assistance for jobs and people seeking those jobs.

This is the first year of implementation of the new system and the House bill will gut the investments critical to implementing the Act as envisioned by Congress and the administration.

This amendment, Mr. Chairman, very specifically places top priority on developing the skills of American workers, raising the participation of people with disabilities, strengthening the skills of youth and former welfare recipients, providing income support and training for dislocated workers, reintegrating ex-offenders into the mainstream, and removing barriers, for example, childcare, that make it difficult to hold a job.

The bill before us today puts our expansion in jeopardy and will prevent unprecedented prosperity from being even more broadly shared.

Mr. Chairman, I strongly urge my colleagues to support this amendment. We have never been at a more crucial time for investing in the skills of all Americans. The advantage of the opportunities this economy is providing right now, not next week, but right now, then we will, indeed, undermine our own potential as a Nation.

The CHAIRMAN pro tempore (Mr. PasSE). Does the gentleman from Illinois insist on his point of order?

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN pro tempore. The gentleman continues to reserve his point of order.

Mr. PORTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the minority has talked about cuts in many places in the bill. Where there is cuts is in the Department of Labor and several of the programs are actual cuts from the previous year. For example, in adult job training there is a cut from $950 million to $857 million. For dislocated worker assistance, there is a cut from $1.58 billion to $1.382 billion. For youth grants, there is a cut from $950 million to $857 million. For dislocated workers, we recommended $1.58 billion to $1.382 billion. For youth training, there is a cut from $950 million to $857 million. Those are the major accounts that are cut in the Department of Labor appropriation.

If I understand correctly, the gentleman from Illinois (Mr. JACKSON) is offering amendments to add $1.25 billion back to the bill. The gentleman does not offer any offset and it's simply an addition of funds that would put his amendment beyond the budget resolution.

The subcommittee, in recommending funding for adult training, youth training now including summer jobs and for dislocated workers, we recommended $3.2 billion in the bill. That is a reduction, as I say, of $300 million for these programs.

In addition, we recommended funding for youth opportunities grants $75 million less than the year 2000, as I have stated, and less than the President's request.

These levels are recommended because of limited budget resources and, particularly, Mr. Chairman, because of the state of the economy.

According to the Department of Labor, in the latest WINA as envisioned by Congress and the administration.

This amendment, Mr. Chairman, very specifically places top priority on developing the skills of American workers, raising the participation of people with disabilities, strengthening the skills of youth and former welfare recipients, providing income support and training for dislocated workers, reintegrating ex-offenders into the mainstream, and removing barriers, for example, childcare, that make it difficult to hold a job.

The bill before us today puts our expansion in jeopardy and will prevent below 4.2 percent since October of 1999, and payroll employment has grown by 23 persons since that time.

In other words, our economy is doing better than ever before, because there are more jobs than ever before. There is less unemployment than ever before. There is less unemployment among minorities in our country than ever before.

The money for job training, for adult job training, for dislocated workers, for youth opportunities grants, is important money, but there are fewer people that need to be served in this astounding economy than there have been previously. We believe that there is sufficient money to serve the people that need the funding to provide opportunities for them, and we believe that the cuts therefore, are justified.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Illinois (Chairman PORTER), if he had been dealt a different hand in the budget debate, in the budget resolution, that we might indeed be looking at stronger investments in this area.

Mr. Chairman, our concern today is something that is consistent with what the Chairman of the Federal Reserve said, that our ability to sustain the current period of economic growth hinges on continued investment in the skills of American workers.

But the gentleman rightly acknowledged in title I there are significant cuts; is there anything we might be able to do to improve upon those cuts?

Mr. PORTER. Mr. Chairman, reclaiming my time, obviously, moving the bill at this point is part of a longer process. We will sit down with the Senate that marked up a bill at $5.5 billion higher than our allocation and perhaps there will be.

But, again, I believe that this is an area, while it is of great importance and is needed, the demand for these funds is lower because of a high employment rate, a very low unemployment rate and even so among minorities.

I certainly intend to do my very best within the funds that we have available ultimately to address these needs, as well as others. I think we have done a proper job in putting this at a fairly low priority, because of the strength of our economy in this bill.

The CHAIRMAN pro tempore. Does the gentleman from Illinois (Mr. PORTER) continue to reserve his point of order?

Mr. PORTER. Mr. Chairman, I continue to reserve a point of order.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words,
and I rise in support of the amendment of the gentleman from Illinois (Mr. JACKSON).

It is absolutely true that we have the lowest unemployment rate in generations. It is absolutely true that we have never been in this economy, but you have heard the joke where a fellow is watching the politician on the television screen talking about all of the new jobs created, and he turns to his wife and says a lot of jobs are created, and I have got three of them.

There are lots of people who are working at low-paid jobs. Just a couple of months ago I ran into a single mother in Rhinelander, Wisconsin. Her husband had walked out on her, working like crazy at three different jobs trying to keep her head above water and support a child.

With all of the golden glow that we have on our economy, there is not yet enough to reach that woman, and hundreds of thousands just like her all over the county.

Chairman Greenspan of the Federal Reserve said this “the rapidity of innovation and the unpredictability of the directions it may take imply a need for a commitment in human capital. Workers in many occupations are being asked to strengthen their cognitive skills, basic credentials by themselves are simply not enough to ensure success in the workplace. Workers must be equipped not simply with technical know-how but also with the ability to create, analyze and transform information and to interact effectively with others. Moreover, that learning will increasingly be a lifelong activity. And it is not enough to create a job market that has enabled those in the past so successfully for those not fortunate enough to inherit $5 million, if we can afford to bleed all over the floor for that person, say, oh, you have such a burden, we are going to eliminate your taxes, then it seems to me we ought to be able to provide a few more nickels for people who need to upgrade their job skills.

This bill is clearly not adequate on that score, and I recognize that we are in a Wizard of Oz situation here, an Alice in Wonderland situation, because we may be able to offer an occasional amendment but we will not be able to get a vote on it because the rules preclude us from getting a vote.

This is the only way we have to try to identify what we think are the inadequacies of this bill. And it is the simple question, do you think the economy is going to be helped more by adequately equipping every single American worker or by giving those who already have so much some more? I think the answer to that ought to be obvious.

1400

The CHAIRMAN. Does the gentleman from Illinois (Mr. PORTER) continue to reserve his point of order? 

Mr. PORTER. Yes, Mr. Chairman, I continue to reserve the point of order. Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Again, I would like to remind Congress, for the 20 years I sat here in the minority, we saw job-training programs being proliferated one after another until we got to 166 job-training programs. All of them so small that they were spread out over every agency downtown, 30 agencies as a matter of fact. It was not until 1998, as a matter of fact, when we finally got people to stop that nonsense and said, what one has to do now is combine these programs, eliminate the bad programs, keep the good programs, combine them, get them back to the local area where the people know better what jobs are available and what jobs will be available in the future.

I would remind my colleagues that it is not until July 1 of this year when every State must have their workforce development act. It is unfortunate enough to inherit a little money as you must spend in order then to make sure that we close that achievement gap, to make in order that we have improved the life of each American.

But that is not what happened. For all of those years, we spent the money. Title I is a good example, $140 billion. It did not close the achievement gap one little iota. In fact, it may have even gotten worse, because no one cared whether it was a quality program. They only said more money will do the job. We will cover more children. Again, the disadvantaged suffered.

For all of these years, the only argument I have ever heard on this floor, and will hear it a million times again today, the only argument to conceal the failure of well-meaning programs that no one would allow us to make them work is, oh, a tax cut for the rich. I have heard that over and over again.

The problem is we have got to admit, as I told my committee over and over again, we have got to first admit the problem. We did not work it out, we did not残留 enough to make them work. That is what we have been trying to do in our committee.

I think we are going to have some success. I will not be here to see the success, but I think we have made the progress.

Mr. Chairman, I yield to the gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want the gentleman from Pennsylvania (Mr. GOODLING) to know there are many of us on this side of the aisle who, for years,
shared his concern. But the issue, in my judgment, is how did we legislate excellence. The gentleman and I know it is very difficult. The challenge is, of course, to fund the programs that do work.

I would like to say, as I will speak later on my own time, that I join with the gentleman in wanting to support these good programs that do work; and I would be delighted to work with him and his successors in figuring out, as I ask every time in every hearing, how do we provide ourselves assistance.

But the answer is not to cut back when there is so many people who need the education, they need the retraining, because not everyone is benefiting from this great economy.

So I am sure my colleagues on this side of the aisle would be delighted to work with the gentleman’s successors to make sure that these programs are delivering. That is the challenge to all of us. We do not want to fund everything.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PORTER) wish to continue to reserve the point of order?

Mr. PORTER. Yes, Mr. Chairman, I continue to reserve my point of order.

Mrs. THURMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, maybe to add to this debate a little bit, particularly when it was brought up to the issue of local groups that are using these programs and find them to be important in delivery of employment, I just would like to add into this.

I have a letter here from a mayor, Paula DeLany out of Gainesville. And she writes to me, “Dear Representative Thurman: We have just learned that severe cuts in the Department of Labor’s FY 2003 appropriations are under consideration by both the House and Senate, and that these may eliminate or severely reduce funding for One-Stop Career Centers, Adult Employment and Training, Dislocated Workers Programs, and the Youth Opportunities Program. I am writing to tell you of the crucial importance of these threatened programs to Gainesville and to request your help in obtaining the resources needed to sustain our community’s workforce investment system.”

Work force investment system.

She goes on to say, “The impact on Gainesville would include the following: Should these threatened cuts occur: To eliminate or reduce the One Stop Center Program would deny our local employers a single point of contact to list openings and find skilled workers.

To cut Adult Employment and Training would deny many of our citizens the ability to obtain skills training needed for today’s workplace.

To reduce the Dislocated Workers Program would cause hardship to those citizens who, through no fault of their own, lose their employment.

To reduce the Youth Opportunities Program would create the most severe impact of all. While the national unemployment rate has remained low, teenagers still face very high unemployment. Even more significant would be the impact on the future of our African American youth, already documented as disadvantaged in the competition for employment.

“All of these programs are now used to train our workforce and to provide local employers with a pool of skilled workers. I urge you to see that funding for an employment training program is necessary and that there are essential to local governments, and to the citizens they serve. Thank you for your consideration.

Sincerely, Paula M. DeLaney, Mayor.”

But even on another note, let me just say, we have had businesses in our offices for the last 6 months telling us they do not have enough workers. The unemployment is so low we do not have workers out there. We are all scrambling up here. How are we going to get high-tech workers? So we have the H1b program so we can bring over 200,000 people.

But you are cutting out of this bill an opportunity for hundreds of hundreds of thousands of people to have an opportunity to participate. That is just flat wrong. Not to mention what about the nurses, teachers, the shortages that we have been talking about. Every State legislature in this country is grappling with getting good teachers, nurse shortages, all of these areas that are critical to quality of life of our communities.

Let us not shut down these issues for our communities to succeed and, most importantly, to have a skilled workforce that is desperately needed in a time of low unemployment. I commend the gentleman for bringing this to our attention.

Mr. OBEY. Mr. Chairman, would the gentlewoman yield?

Mrs. THURMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to say, look what this Congress did just a few weeks ago in taking the lid off of Social Security income because employers all over the country were telling us there are not enough skilled workers. Look at what we are doing with additional visas to bring these foreign workers into this country because employers are telling us they cannot find enough skilled workers. All you have to do is understand why this amendment is necessary is open your eyes, open your ears, and read your mail.

Mrs. THURMAN. Mr. Chairman, re-claiming my time, we have given hope to employers by having skilled workers. Well, will our communities about how important these issues are. Let us not shut out the very same people that you talked about giving these programs to now have gotten them developed, have done a good job, and then pull the rug out from under them.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.
Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to welcome the gentleman aboard. I know it has been a long road to Damascus, but I have been here long enough to remember when the majority party was singing hosannas because Ronald Reagan was trying to zero out the Job Corps and David Stockman said that it did not work, despite the fact that three studies from his own shop showed that it did. I also recall that just 3 short years ago the majority party tried to cut $100 million out of the President's request for Job Corps.

So I welcome the conversion. I wish it had come sooner, but Allah be praised; hosanna; thank God; alleluia; welcome aboard.

Mr. TIAHRT. Reclaiming my time. Mr. Chairman, I guess we can expect the reason we have the surplus is because of the 1993-94 Congress, which, of course, the Democrats controlled. And in the two Congresses subsequent to that, the Republicans added $12 billion to the debt while we reduced it $342 billion, so that is what the Republicans' CBO says.

But that aside, this is a substantive debate. It is about priorities. And I want to say to my friend, the chairman of the subcommittee, for whom I have, as he knows, unbridled respect and affection, he got up initially in opposition to the amendment of the gentleman from Illinois and said, look, we have the best economy that we have in a very long period of time. We have 3.9 percent unemployment. And as a result of that, people are employed, people are working, and, therefore, they do not need the services and, therefore, we can cut, as he said, in real terms.

Now, I hope the chairman will listen to me, because while his general proposition may be true, it is not true for one of the specific cuts that I am going to speak on. This bill adds $14 million back into the bill. It is a new initiative. So the mistake is cut. This is a new initiative to switch from the commission into an office. And the premise of Chairman Hoyer was that we were not succeeding.

The gentleman from Pennsylvania (Mr. GATLING) said, well, if we are succeeding, do away with the program. If we are not succeeding, do away with the program.

Mr. OBEY. Mr. Chairman, I would say the gentleman that it is flat funded at $9 million. It is a new initiative. It is a new initiative to switch from the commission into an office. And the premise of Secretary Herman was that we were not succeeding.

The gentleman from Pennsylvania (Mr. GATLING), well, if I am succeeding, do away with the program. If I am not succeeding, do away with the program.
The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(BY UNANIMOUS CONSENT, MR. HOYER WAS ALLOWED TO PROCEED FOR 1 ADDITIONAL MINUTE.)

Mr. HOYER. So the Secretary’s premise, Mr. Chairman, was to add this money, which the President included in his bill, $14 million, to reach out to those with disabilities.

When George Bush, Republican President of the United States, signed the disabilities act on July 26, 1990, he said to all those with disabilities in America, 43 million people then, over 50 million now, he said to all those folks that we want to include them in; we want to give them the opportunity to work. But we have not succeeded. Why? Because we have not made the effort.

We passed the bill. Very nice. As the American public knows, to say in a statute rhetoric that they are free or they can work or they are going to be educated is not enough. If we do not work to make that happen and it is not reality, our country loses, and those with disabilities lose.

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

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I just wanted to say to my colleague that, obviously, part of our problem is the allocation of the funds that we have to work under.

We do consider this to be an important priority; and, of course, we will do our best when we go to conference to try to address this issue.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I hope we would, therefore, adopt the gentleman’s amendment.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the concern of the gentleman from Illinois (Mr. JACkSON) with employment of people, and I find it interesting to hear some descriptions, because I keep hearing from the White House and from the administration talk about the booming American economy. I know we had new figures in Oklahoma that show we have the lowest unemployment, which means the best employment, in decades; under 3 percent.

It may be different in the gentleman’s district or in the gentleman’s State, but right now businesses all over the country are saying that we have got to give them more visas to bring immigrants in from other countries to do the jobs because there are so many jobs available in the United States of America. And yet it sounds like the gentleman is saying, gosh, we have to help people find work.

If we look at these programs, because I know some are like summer jobs initiatives, hundreds of millions of dollars propelling the ideas that we may put it in places all over the country can put on these seminars and say, oh, this is the mayor’s summer job fair for youth. And it happens in most every city in the country. How many people know that that is coming out of the Federal Treasury, so mayors all over the country can claim responsibility for kids working? Except a lot of those are, frankly, make work jobs. They are not really working.

Mr. HOYER. I realize that is not always the case, and I know that is not what the gentleman from Illinois intends. But when employment is down, they say, well, the answer is we have to spend more on Federal job programs. And, of course, if employment is down and unemployment is up, they say, oh, that is another sign we need to spend more money on Federal job programs. Whether times are good, times are bad, times are indifferent there is only one answer we hear; we have to spend more. Why? Not because there is a real need. The need, as people see it, is political. They want to tell the people they are going to be beholden to a politician, because we want their first, their first effort to be to turn to some sort of Federal job program so that a Congressman or a mayor or somebody else in politics can claim credit for getting them work.

Well, let me tell my colleagues, the economy does not boom because government is out there with make-work programs or Federal work programs. It booms when we enable businesses, private individuals, to flourish and hire people. And believe me, there are tons of jobs out there for kids this summer and for adults as well. That is what we want. But is there not ever a moment of relief when we say we have had some success with getting the American economy going so there are opportunities for people if they are just willing to take them? We say, oh, no, no, we cannot do that. We have to have more Federal money instead.

Why not relieve the tax burden on people, not have so many Federal programs, not teach them that they should be beholden to somebody in politics for the right to work? Teach them self-accountability, teach them the free enterprise system. We have tons of Federal job programs already, billions of dollars each year, and I do not think it is justified to say we should quit paying down the national debt so that, instead, we can add another $200 million to these programs. I do not think that is the way to go.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise first of all in strong support of the Jackson amendment. But before I get to why this amendment is so crucially important in our new economy, where we are involved in trade and worker dislocation and underskilled and unskilled workers, I want to give you a couple of accolades for the chairman of the subcommittee, the gentleman from Illinois (Mr. PORTER).

There are a lot of great things we can say about the gentleman from Illinois (Mr. PORTER) and his devotion to education and his hard work in his district, in his independence in his voting record, fighting for what he believes in, help at that National Institutes of Health, that that funding increase is saving lives all over the third district of Indiana, the State of Indiana, and the world, literally, and we thank the gentleman for his efforts in that area.

On this Jackson amendment, I want to state my unequivocal support. The chairman knows that we are in a new world, with new challenges, and a new economy. And in this new world we have challenges, such as how do we help our workers get cradle-to-grave training in unskilled and underskilled areas?

In my district, in the third district of Indiana, in the Midwest, the heart and soul of manufacturing in this country, we have many of our workers that are currently trying to move from the tool box to new technology and training. They are trying to move from how to work with a power drill and a hammer and a screwdriver to a robotic arm and the computer. This Jackson amendment helps the unskilled worker and the underskilled worker get those skills to move from the tool box to the technology of the future.

The second reason I support the Jackson amendment is because it deals with dislocated workers. Now, we just had 237 people vote for the China trade bill, and we are going to have some dislocation in trade in the world. New Democrats, for one, believe that we need to follow up on our trade votes with investing in the workers of this country and making sure that they can survive in this new economy; that we can export products into China, not jobs into China.

So we need to make sure this dislocated worker that was in a foundry gets the new skill to go work in a chip manufacturing plant.

So, Mr. Chairman, this Jackson amendment realizes the importance of investing in underskilled, investing in unskilled workers. This Jackson amendment understands the new economy and the challenges of trade. This Jackson amendment understands that we need, with our business community and our unions, one of the biggest challenges, new workers and more skilled and more productive workers. That is what we are investing in with the Jackson amendment. To make sure that our skilled workers are in premium and that we do not just address the challenges of this economy by bringing in H-1B visa personnel from India and...
China but we invest in our workers here in America.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, our amendment is very, very specific. The activities covered for youth in this House bill is 599,400 youth will be covered under this bill. Our amendment moves that number to 739,000 youth. For youth opportunities, the House bill covers 40,700 Americans. Our bill moves that number to 84,600 Americans.

For young offenders, it moves the House bill from 3,500 youth under the bill to 18,800 youth under the bill; adult activities from 342,800 to 380,000.

I want it to thank the gentleman from Indiana (Mr. ROEMER) for his strong support of the amendment. This is a pro-American amendment, not a Democratic amendment, particularly at a time, as the gentleman pointed out, that our economy is doing so well. Let us spread the wealth.

Mr. ROEMER. Mr. Chairman, reclaiming my time, this is a pro-American amendment, it is a pro-worker amendment, and it is a pro-business amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mrs. LOWEY. Mr. Chairman, I think it is time that I am allowed to proceed for 30 additional seconds.

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Oklahoma Mr. ISTOOK, on the floor, but I did want to address some of his comments. I agree with my colleagues who understand that we have to make sure they are really doing is not trying to establish the kind of results we are looking for, for people or not. We do not yet have that data, but we believe that they are undoubtedly doing a much better job than all the little programs did in terms of getting results for people.

I would also say to the gentlewoman from New York that, since most of these programs are administered through the States where there are pockets of unemployment that are higher than in other areas, the States can direct their money to where it is most needed. So there is flexibility enough in the programs to address needs that are particular at any one place.

I think the gentleman from Indiana (Mr. ROEMER) has left the floor, but he mentioned the need for workers that are displaced by trade. That is a mandatory program in the Department of Labor. It is funded at $94 million, and funds there should be ample to take care of people that might be displaced by reason of trade rather than for other reasons.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank my distinguished colleague for his comments. I appreciate his efforts to provide for evaluation dollars to make sure these programs are effective.

I would just say that where there may be some disagreement, and I am hoping that we can work together as we move towards the final product, that as we reevaluate the needs, the needs for the H-1B visas, that we can take this dollar amount into consideration and there may be more need, as we are saying there, for more investment in particular areas.

That does not mean that what we are doing is not trying to establish the best programs and evaluate them and make sure they are succeeding. But I think we disagree, and we believe that there has to be even more investment because it is so critical at this time of displacement as a result of trade and other areas.

Mr. PORTER. Mr. Chairman, reclaiming my time, there is certainly no difference between us in terms of our intent to provide the best possible opportunities for people who are outside
the workforce to be trained for jobs that can provide them a higher standard of living and to provide those protections for individuals that are needed in a very dynamic economy.

We simply feel that by reason of the economic growth, the low and unemployment being so high that there is simply less demand than there is where the economy is not performing that way as it has sometimes in the past. So I think that there is any real disagreement among us except that we feel that these are lower priorities than others in the bill given our need to choose priorities given this very, very strong economy.

Mr. Chairman, I continue to reserve my point of order. Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes I think that those of us who serve in this Chamber need a reality check. I serve a county where the unemployment rate is 17.1 percent. I serve multiple counties that have double digit unemployment. That is why I rise today in strong support of the Jackson amendment to provide funding for programs that help jobless Americans.

I guess some people think that things are so good that we do not have any dislocated workers to worry about. I would like to mention from Ohio, Lake (Mr. Istock) and others to come to my district in southern Ohio and see the conditions there, come and talk with one of the 800 coal miners who are about to lose their jobs in a region that suffers 10.5 percent unemployment, miners who are awaiting word today on a job-training grant they view as their best hope for future employment.

I would like for my colleagues here to come to southern Ohio and talk to some of the 619 union workers from the Goodyear plant who lost their jobs in March and who just recently received word that there would be trade adjustment and out of school thanks to a Federal dislocated workers grant. Without further education, how can they ever expect to land a job in a county with an unemployment rate over 31 percent?

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Mr. Chairman, this community of just over 12,000 people has lost over 1,200 jobs in the last year and a half. Ten percent of the entire population is jobless. Tell them they do not deserve a second chance. They are being left behind. This Congress should not be funding tax cuts for the wealthy and at the same time cutting funds for training jobless workers. It is unconscionable.

For these reasons, I urge my colleagues to support the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am really excited that the gentleman from southern Ohio (Mr. STRICKLAND) came to the floor today to make the case for support of this amendment.

Under the House bill, 215,800 fewer of the 3.3 million workers who lose their jobs through no fault of their own each year will be served under the President's request of $389 million for dislocated worker assistance, which my amendment, Mr. Chairman, restores to the Labor, HHS mark.

Mr. Chairman, every time I come to this House floor and offer an amendment of the magnitude that we are talking about, someone inevitably brings up minorities are doing better. I mean, here comes the gentleman from Illinois (Mr. JACKSON) to the House floor. He has got to be talking about minorities.

The gentleman does not represent a district primarily of minorities, but he talked about counties where unemployment in his congressional district are as high as 17 percent.

I was hoping that the gentleman would please expound upon what the implications of this increase would do for his congressional district.

Mr. STRICKLAND. My people who have lost their jobs through no fault of their own, these are salt of the earth people, people who want to work, who want to provide for their families and as we enjoy it here in this Chamber, yet they are being deprived oftentimes of getting the skills they need to enable them to go out and to compete. These are folks who have worked at steel foundries, they have worked at heavy manufacturing jobs. Those jobs are disappearing from my district. They need to go back; they need to learn how to become computer literate. They need new technological skills. Without them, they are destined to be jobless. We just simply cannot forget those people.

I applaud the fact that we have a booming economy. I applaud the fact that in Redmond, Washington, I have heard some of the average salaries are at six figures. But I have got people who are struggling to survive. This Congress cannot forget those Americans. If we do, we are being negligent and we are failing. We are failing not only our individual constituents, but we are failing the nation.

Mr. JACKSON of Illinois. I thank the gentleman for his support of my amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Jackson amendment to restore $1.25 billion for skill training programs at the Department of Labor. Last week, I joined over 200 young people from a coalition of Alternative Schools Network, CCA Academy, the Latino Alternative School, 200 young people who were marching and protesting. They were marching and protesting the reductions of millions of Federal dollars allocated to skilled training programs for at-risk youth. I, along with the 200 people there, tossed peanuts around to symbolize the small amount of money being allocated to skill training programs and the Labor-HHS appropriations bill.

If this budget appropriations process was a poker game, we would have to say that Labor-HHS was dealt a weak hand but still had to play. Therefore, I believe that the gentleman from Illinois (Mr. PORTER) has done what he could with a faulty deck stacked against him.

Mr. Chairman, these people were not protesting for the things that normal teenagers are often concerned about. Rather, these teenagers were protesting for the opportunity to learn. They were protesting for the opportunity to become well-trained workers and the opportunity to make contributions to this Nation. They were protesting so that we will not have to import workers from foreign countries to take care of skilled job opportunities that are needed.

If we truly want to improve the environment of those less fortunate in this society, what we really need to do is provide the necessary tools for success.

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If we truly want to improve the environment of those less fortunate in this society, what we really need to do is provide the necessary tools for success.
Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when Congress passed the Workforce Investment Act, we believed that we were making a statement of importance with respect to the workforce in the American worker. Because by investing in the American worker, we are investing in the future of America. We are investing in developing skills for American workers. We are investing in the hopes and dreams of America. We are investing in the hopes and dreams of those who are dislocated, those who are disabled, those who are young, those who are ex-offenders, to those who want to fully participate in what we call the American dream. We are investing in assisting American business in helping to provide American business with a well-trained workforce. We are investing in the jobs of tomorrow.

We all know that unemployment is low, but unemployment remains a crisis among teenagers, minorities, and dislocated workers. I represent the State of Ohio and the City of Cleveland. Our manufacturing economy is in transition. Over the last year, we have seen representatives from the State of Ohio, from the State of Michigan, the State of Indiana, the State of Pennsylvania take to the floor of this House to talk about the impact of our trade policies on the steel industry.

We sought protection for our steel industry because tens of thousands of jobs have been at risk because of dumping. But in some cases, the job loss was felt, and in manufacturing industry after manufacturing industry, we have seen a dislocated workforce with people hungry for retraining. We saw over 400,000 American jobs lost in NAFTA. We will see hundreds of thousands of jobs lost in our trade deal with China, where we are getting 0 billion in trade deficit. That job loss will not only be in manufacturing where we need people retrained, but that job loss will be in high-tech industries where people who are currently working in high-tech industries will need to be retrained.

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

Mr. KUCINICH. I yield to the gentleman from Illinois.

Mr. PORTER. I would say the rhetoric is so high, it is difficult to imagine that we have come so far and that we have accomplished so much considering the rhetoric that goes back and forth. Eight years ago the Dow was at 3000. Today it is at 11,000. Eight years ago the unemployment rate was hovering at about 8 percent. Now it is around 4 percent. Eight years ago there were only 50 worldwide Web sites. Today there are more than 50 million.

We are only at the beginning of this amazing revolution. Many of our companies, American companies are producing more wealth than many countries together. But many communities, including my home of Memphis, talk about the growth of the Dow and even the NASDAQ is almost as foreign as international monetary policy.

A few of us on this side had the opportunity, Mr. Chairman, to visit some of our high-tech leaders out in Silicon Valley over the recent break. We can read about it and listen to those talk about the amazing and wonderful things happening out there. But until you actually witness it, it is difficult to grasp, to see young people really at the start of a revolution helping to transform our entire economy and really everything that we enjoy and do in life really to produce a positive benefit.

We had an opportunity to meet those who are sequencing the human genome. It is amazing in a few years we might be able to attack breast cancer and prostate cancer and catch those cells early on. I thank the gentleman from Illinois for all his work with the National Institutes of Health. But the common denominator in all that these leaders out there talked about was the need to close the school that is plaguing our domestic workforce.

We will vote in a few weeks, perhaps in a few days on whether or not to raise the quota, and "quota" on that side of the aisle is often a profane word, but to raise the quota for H-1B visas bring in workers to fill jobs here in America because we have not stepped up to the plate to train a new generation of workers.

Then the one issue that came out of all the sessions that we had, Mr. Chairman, the one thing that could jeopardize our prosperity and continued growth is the lack of an investment in a qualified workforce for the future.

I support raising this quota in the short term, but it is foolish to believe for one moment that we are going to solve our systemic workforce challenges and problems by bringing in foreigners every year to fill the jobs which we should be training people to do here.
With this vote on the Jackson amendment, we make this choice, I say to all of my colleagues: do we wish to continue to be a Nation of entrepreneurs and innovators and workers, or do we want to banish ourselves to a country of temporary workers in low-wage jobs? My Republican colleagues have asked for offsets. I suggest that they cut their tax break, make some investments in children and young people throughout this Nation, not just for these young people, but for our children and our grandchildren. I am sure we could go home, and this is not a partisan issue back home, Republican businessmen, Democratic businessmen and business women all say the same thing, and that is that they are looking for more qualified workers.

Mr. Chairman, I would close on this note, and perhaps I think the most exciting thing about what the gentleman from Illinois (Mr. JACKSON) is doing, re-storing the money for youth opportunities and summer jobs programs for kids. The main reason I support summer jobs for kids is because I want your wallets to stay in your back pockets, I want your hub caps to stay on your cars; I want women’s pocketbooks to stay on their shoulders.

When we teach and train young people and expose them to the rigor and habits of work, good things happen, Mr. Chairman, good things happen, I say to Members on both sides of the aisle. I have been a participant in the job core period for the Memphis summer jobs program closed, and 800 teens will have jobs for the summer. That is wonderful. That is the good news. But the bad news, Mr. Chairman, is that 3,000 go home without jobs. We will find a way to arrest them if they do something wrong during the summer; we will find a way to process them; we will find a way to house them for a few days or a few weeks. But we cannot find the capacity, we cannot find the restaurants, we cannot find a solution amidst all the rhetoric, to just give them a summer job, give them an opportunity.

I am a little offended when I hear some of my colleagues brag about the job core center; I brag about it too, but I am sure we could go home, and this is not a partisan issue back home, Republican businessmen, Democratic businessmen, Democratic business women all say the same thing, and that is that they are looking for more qualified workers.

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I am a little offended when I hear some of my colleagues brag about the job core center; I brag about it too, but they are two totally different programs we are talking about here. Sensible Members on that side understand that; sensible Members on this side understand that. Let us continue the name-calling and the name playing. Instead of arresting these kids, let us give them a job and an opportunity and in the meantime help prepare them for the demands of this new marketplace.

Mr. PORTER. Mr. Chairman, I continue to reserve the point of order.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me talk a little bit about the work we do. I want to associate myself with the previous speaker. I think it certainly makes perfectly good sense to do what we can to make sure that the kids have a chance to work as opposed to giving them a chance to hang around a street corner. There is no question about it, if the kids are employed, working on and pursuing something tangible and something productive keeps them away from the street, keeps them away from the bad influences that could cause them to, frankly, at a turning point in their lives, either move towards a productive life or go down the other route.

I believe that a short-term investment in summer jobs programs for kids, for teenage kids in disadvantaged communities is a long-term investment, not only in the next generation of Americans, but also in terms of protecting the taxpayers’ pocketbook. Because if we put our money into the kids early enough and give them a chance to learn the habits of work, we are probably, in all likelihood, creating a workforce and a next generation of Americans that are going to value work and not get arrested and not cost the taxpayers dollars that they ultimately pay to incarcerate them because at a turning point in their lives they have taken the wrong path.

Mr. Chairman, studies show, studies show that early work experience increases somebody’s earning potential by 10 to 12 percent. One year on a job during a summer means 2 years in college in terms of earning potential for some of these kids. If we are going to be about pursuing the American dream and if we are going to be about building a better future for America, I can think of few things more important than $254 million in a multitrillion-dollar budget to restore the summer jobs programs to give disadvantaged teenagers a chance to not only get a job early, but also learn what it is like to work and develop the habits of work, because one does not just grow up being able to work; one learns those habits. One is not born as a worker; one is taught to work by the habits and the values that are instilled in us.

One of the previous speakers on the other side suggested that the summer youth programs do nothing, but there is clear evaluation that the summer youth program does nothing to increase job skills and provide greater access to the job market. It may keep kids out of trouble, but it does not do what the gentleman has been alluding to it is doing. In many cases, it is a make-work program that is a disgrace. In other cases, like our own area, it is a well-run program and it delivers benefits. I believe that is not obtaining job skills and getting greater access to a job or to the job market.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I am an exception to that. I had a summer jobs program, and I graduated from law school and my voters elected me to Congress. I would regard the gentleman that there are those of us who never attended the job core program, but had a few summer jobs here on the Hill and other places and moved right into the workforce. My voters think I am doing a good job, perhaps some political points.

Mr. PORTER. Mr. Chairman, if the gentleman would continue to yield, I would say again the job core program is very effective. Some summer youth jobs programs are good; others are not good. We need to give them a chance to learn the habits of work early in life, and a $254 million investment to help fund those programs I think goes a long way in the long run to give them a better future and save taxpayer dollars in the long run.

There has been discussion about the job core program. The job core program is a good program. We have funded that program. But one of the unintended consequences of that is that it is taking money away from the summer jobs program; and in some cases, with the job core program, a kid can be in high school and we are rewarding a kid who drops out of high school and giving that kid a job; but we are doing nothing about a kid who is in school and needs to do something during the summer months when all of the opportunities to be mischievous and others are available.

I believe that we recognize the need to fund the summer jobs program and recognize the job core program does good things, but has, in some cases, hurt the summer jobs program.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, the job core program has proven over and over again a very effective program. Many of us think of our summer youth programs as the way they are in our cities, but there is clear evaluation that the summer youth program does nothing to increase job skills and provide greater access to the job market. It may keep kids out of trouble, but it does not do what the gentleman has been alluding to it is doing. In many cases, it is a make-work program that is a disgrace. In other cases, like our own area, it is a well-run program and it delivers benefits. I believe that is not obtaining job skills and getting greater access to a job or to the job market.

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

Mr. BLAGOJEVICH. I yield to the gentleman from Tennessee.
Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Ms. DELAUNO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say one word about summer jobs. I held recently in my community with about 140 young people, the issue was not summer jobs, but it was a youth violence conference to talk to young people about their own responsibility with regard to youth violence. Some of the kids who showed up the next day and they said to me, what is going on with this summer job effort? We were relying on that. Our families were relying on that. We have pockets of high unemployment, pools of untapped, underutilized workers who exist out there and who are not located.

I cite my own third district of the State of Connecticut, a State, I might add, that has been heavily dependent on defense spending and one that has been dependent on the insurance industry. Insurance in my State has downsized, dislocating a lot of workers. The defense industry has downsized, dislocating a tremendous amount of workers. Those workers wanted to continue at Sakorsky and at Pratt & Whitney and at the Stratford Army Engine plant, but they have nowhere to go today. These are people who have kids in college, who have mortgages to pay, who are fighting for their lives in order to meet their responsibilities and their obligations as parents and as breadwinners for their families.

Mr. Chairman, we are leaving them high and dry, without the opportunity to get further skills training, to get the kind of training that they need to put them back into the economic mainstream once again. We have 90 million adult Americans who perform at low levels of literacy. These are individuals who are not equipped to meet the challenges of the new economy. Yet, this bill slashes the kinds of programs that provide hard-working Americans with the skills that they need to compete in today's economy. That is the issue my friend, the gentleman from Illinois (Mr. Jackson), is making. That is the one that we are trying to impress on people here today.

Mr. Chairman, we want people to be able to realize their dreams in this country. This nation depends on school-to-work programs, that is why we encourage people to work and to take on that responsibility. That is what this country is all about. That is a very deep-seated value in the United States.

Mr. Chairman, in April of 2000 there were 13 million untapped and underutilized Americans, 5.2 million who were unemployed, 4.4 million who were out of the labor force, 2.7 million who were working part-time, and 3 million who worked part-time, but wanted full-time work. In March of 2000 there were 22 metropolitan areas with unemployment rates in excess of 7 percent. The low skills of many of the poorest Americans reflect accumulated disadvantage. We want, in neighborhoods in which they grow up and live, underfinanced, often ineffective schools that they attended, lack the access to jobs that provide meaningful training and opportunities for advancement.

Any attempt, any attempt to improve their schools has got to address the barriers that they face.

Mr. Chairman, we cannot leave people behind in this country. That is not what this Nation is founded on. It is founded on responsibility, hard work. Let us train people to do it. Let us vote for the Jackson amendment.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order, and I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I would like to emphasize something about the amendment that bears on all of this discussion. The reason this amendment is out of order is because the gentleman from Illinois has no offsets.

Now, the majority, in accordance with a budget resolution adopted by the majority of both Houses of the Congress, has to live within its allocation.

It is easy to offer an amendment simply adding back money. That does not take any responsibility.

The gentleman could have offered an amendment with offsets. The difficulty is that his side of the aisle it seems to me is unwilling to provide cuts anywhere; is always willing to add money, but unwilling to take the responsibility to say, this is a higher priority, this is a higher priority.

We have to do that. We have to do that. That is our job. We have to be responsible for the bottom line.

Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 7, 2000. That is House Report 106-656. This amendment would provide new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the Act.

Mr. Chairman, I ask for a ruling of the Chair.
The CHAIRMAN. The Chair understands the gentleman from Illinois has yielded back his pro forma amendment. Does the gentleman from Illinois (Mr. JACKSON) wish to be heard on the point of order?

Mr. JACKSON of Illinois. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCHUGH) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

1530

RECESS

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 3:45 p.m.

Accordingly (at 3 o'clock and 30 minutes p.m.), the House stood in recess until 3:45 p.m.

1545

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCHUGH) at 3 o'clock and 45 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 8, DEATH TAX ELIMINATION ACT OF 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 519 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 519

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 8) to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by a Member designated in the report, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

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

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

Mr. REYNOLDS. Mr. Speaker, the legislation before us today provides for the consideration of H.R. 8 and the Death Tax Elimination Act of 2000. Mr. Speaker, House Resolution 519 is a modified closed rule which is a standard rule for such measures.

The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Additionally, the rule waives points of order against the bill. The rule further provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted.

The rule also provides for consideration of the amendment in the nature of a substitute printed in the report if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided between the proponent and an opponent.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, Benjamin Franklin once noted that “in this world, nothing can be said to be certain except death and taxes.” But while death may be certain, taxes are immaterial. That is because our current tax system plays a cruel joke on farmers and small business owners.

After years of hard work and sacrifice, building their farm, ranch or business, working Americans hoping to pass on their legacy to their children and grandchildren often find their life’s work will instead be passed on to the Federal Government.

The death tax is turning the American dream into The Nightmare on Elm Street.

The death tax is arguably the biggest threat to the future viability of small businesses, family farms, and ranches. It creates a disincentive to expand and create jobs. It often literally taxes owners to sell off land, buildings, or equipment otherwise needed to operate their businesses.

When those farms and ranches disappear, the rural communities and businesses they支撑 also suffer. A piece of community and family history is lost forever. The death tax impact on family farms is so devastating that the Farm Bureau has listed elimination as their number one priority.

Think about that. An industry association concerned with all aspects of farming and ranching lists the death tax as the number one threat to the viability of family farming. That is how repressive this tax is.

Now, many opponents of eliminating the death tax argue that estate planning is a viable alternative to changing our tax laws. Their theory that our farmers and ranchers should be huddled with accountants rather than growing food for America is both misguided and wrong.

They fail to take into account the high cost of estate planning tools, both the time spent away from their businesses and the high price tag that includes attorneys fees, life insurance premiums, and internal labor costs. Would not we rather have small business owners and farmers using their resources to operate and expand their businesses and to create jobs?

Too often there is a simplistic approach that we should soak the rich. The problem with that theory, as Ronald Reagan once said, is that everybody gets wet in the process. Nowhere is that more profound than in the death tax; for it is hard working middle American families who are most hurt.

But that is not all. The death tax actually raises relatively little revenue for the Federal Government. Some studies have found that it may cost the Government and taxpayers more in administrative and compliance fees than it raises in revenue.

Last year, the Public Policy Institute of New York State conducted a survey on the impact of the Federal estate tax on upstate New York. The results were startling. Study participants found that, in the past 5 years, family-owned and operated businesses on average spent nearly $25,000 per company just on tax planning alone. These are costs incurred prior to any actual payment of Federal estate taxes.

The study found that an estimated 14 jobs per business have already been lost as a result of the Federal estate tax planning. For just the 365 businesses surveyed, the total number of jobs already lost due to the Federal estate tax is over 5,100.

Mr. Speaker, a clear majority of participants in this survey indicate that the death of an owner would put their
businesses at grave risk because they would be forced to take the purely tax-motivated steps of obtaining loans to redeem the owners stock or using the stock as collateral in order to meet their Federal estate tax obligations. Simply put, death tax stifles growth, discourages savings, stymies job creation, drains resources, and ruins family businesses. It is time we phase out this unfair tax and allow the American dream to be passed on to our children and children's children.

In conclusion, I would like to commend the gentleman from Texas (Mr. Archer), the chairman of the Committee on Ways and Means, and the gentleman from Washington (Ms. Dunn) and the gentleman from Tennessee (Mr. Tanner), the bill's sponsors, for bringing this measure before the House today.

Mr. Speaker, I urge my colleagues to support this rule and the underlyling measure.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Those in the gallery are reminded that demonstrations of support or opposition are not allowed under the rules of the House. The Chair appreciate your cooperation.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I thank the gentleman from New York (Mr. Reynolds), my dear friend, for yielding me the customary half hour.

Mr. Speaker, once again, my Republican colleagues are doing their level best to help the rich get richer. Today's Republican bill will gradually repeal estate tax which affects the richest 2 percent of Americans. By repealing it gradually, my Republican colleagues will ensure that only the descendants of the very rich people who hold out 10 years before dying will benefit.

People who are not very rich or who die within the next 10 years do not get any benefit out of this bill.

So, Mr. Speaker, the result of the Republican bill will be to benefit a few very rich people. For a little while, it will cost the Government $50 billion every year in lost revenue, and do nothing whatsoever to make sure baby boomers have Social Security and Medicare when they retire.

Mr. Speaker, as nearly everyone knows, Social Security and Medicare are headed for some very serious problems. When the baby boomers retire and we do not do something to shore it up now, there will be big problems later.

Thanks to this rule, Mr. Speaker, there is hope. This rule makes in order a Democratic substitute that will help people pass on their estates and still retain hope of fixing Medicare and Social Security.

The Democratic bill takes effect now so people who want to pass things along will not have to hold out for 10 years.

The Democratic bill says, if one's farm or business is worth up to $4 million, then one can pass it on immediately, without any estate tax whatsoever.

Furthermore, Mr. Speaker, the Democratic substitute will convert the Federal government much less in lost revenue. We will still be able to hold out hope of saving Medicare. We will still be able to hold out hope of saving Social Security, and not to mention the possibility of enacting a prescription drug program.

Now, the Democratic motion to recommit goes even further, Mr. Speaker. It makes in order the Doggett amendment to let the sunshine into political committees. My Republican colleagues, twice in the Committee on Ways and Means and once on the House floor, have decided to keep political committees secret. My Republican colleagues want to continue to allow political committees to raise and spend as much money as they want to, until they disclose not one's contributors.

So I urge my colleagues to oppose the previous question. If the previous question is defeated, I will offer the Sherman-Stenholm amendment which will make the repeal of the estate tax contingent upon the President certifying that we are on the path to reduce the debt, protect Social Security and Medicare.

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

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. Ryun).

Mr. RYUN of Kansas. Mr. Speaker, I rise in support of this rule and the underlying legislation.

Mr. Speaker, when our time on Earth is done, we want to know that our families and loved ones have been provided for and protected; we want to know that our hard work and diligence over the years will continue to positively affect those that we really care about.

Those who live the American dream are successful in their profession, and have the ability to save a little money want to pass along the fruits of their labors to the next generation. In Kansas and throughout the country, our farmers and business owners are being punished by the current tax system by following that dream.

The current death tax is in fact killing our family farms and businesses. Less and less farmland and fewer and fewer businesses are being passed along to our children and grandchildren due to this unnecessary and unjust tax.

It has been said that the deterioration of our political government begins with the decay of the principles on which it was founded. If we look back at history, we are reminded that the unfair taxation triggered the revolution of 1776. We fought a war for freedom from such taxes. Mr. Speaker, we must cast a vote to end this oppressive taxation that falls heaviest on those who can least afford to pay it.

Mr. Speaker, I urge my colleagues to join me to vote yes on the rule and vote yes on H.R. 8.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Sherman), who is the co-author of the Sherman-Stenholm amendment.

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

Mr. SHERMAN. Mr. Speaker, let us put this in context. This bill would actually cut roughly $50 billion from Federal revenues once it is fully phased in. It affects only 2 percent of the richest American families, most of the taxes collected from those who have over $10 million in assets. This bill provides not 1 penny in tax relief for those who make $10 an hour, but total tax relief for those with assets of over $10 million.

We went to the Committee on Rules with the Sherman-Stenholm amendment to say at least let us make this bill contingent upon the country being on the right fiscal track. At least do not give up the $50 billion unless Social Security and Medicare are secure, unless we are going to pay down the debt by 2013, and unless we have eliminated deficits.

And the Committee on Rules said no. What is particularly severe is that just a few weeks ago this House considered the Miller-Young bill, which would protect the legacy of all Americans by providing roughly $1 billion, one-fiftieth of the cost of this bill, $1 billion, to acquire the lands that are environmentally sensitive and pristine and need to be protected for prosperity. And the Shadegg amendment was allowed by the Committee on Rules, requiring that protecting the legacy of all Americans to our great outdoors be contingent upon these same certifications, namely that the debt would be paid off by 2013 and Medicare and Medicaid would be secure.

So what have we here is a Committee on Rules that says, when we are trying to protect the legacy of all Americans, they will allow an amendment that limits that bill's effectiveness to only if certain fiscal certifications can be made. But when we are talking about the legacy of multimillionaires, literally heirs to multi-million dollar fortunes, then fiscal responsibility is not even an issue that this House can discuss on the floor.

I will point out that this bill will assure a dramatic cut in major contributions to universities and hospitals. Those institutions will be here asking for Federal help. We will not be able to give it to them because $50 billion will be taken out every year of the funds available to the Federal Government.
And, finally, this bill means higher taxes for widows and widowers. Under the present law, widows and widowers pay no estate tax and get a full step up in bases of the assets they acquire for income tax purposes. Under this bill that is severely limited. So if my colleagues want to deprive the country of $50 billion and raise taxes for widows that is what this bill and this rule would do.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from California, Mr. CUNNINGHAM.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the rule and the death tax repeal.

Small farmers that lose their farms or are challenged after they die to pass it on to their children are giving them up.

My colleagues on the other side cannot stand any kind of tax cut whatsoever. Their mantra is tax breaks for the rich. Well, in 1993, when they had the White House, the House and the Senate, they had the highest tax increase in history, they raised the tax on Social Security, and they raised the tax on the middle class. They could not help themselves, because they wanted to spend every dime of money through the estate tax. That is all they raise their money on. The taxpayer would have to come up with this much money to pay the inheritance tax on his parents’ farm or his parent’s business. And I have seen that farm have to go out of business because of what the estate tax does. And he said, “Congressman, it is wrong, and it does not make us that much money. When you add up all the compliance costs and all the nuisance costs and all of the heartache it causes families and to the economy, it is not worth it.”

And besides that, Mr. Speaker, it is wrong to tax the event of death. I commend the authors of this bill. I urge a vote “yes” in favor of the rule and for the underlying bill. Let us abolish the tax on death.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mrs. CAPPS.

Mrs. CAPPS. Mr. Speaker, I rise against this rule on H.R. 8, the Estate Tax Bill. And once again I call on Congress to tackle tax cuts for the 527s. These so-called 527 groups are tax exempt political organizations which try to influence elections. They can spend millions of dollars on negative ads, direct mail campaigns, and phone banks. My colleagues and I want to read to my colleagues directly from the Web page of a 527 loophole from my home State of California. This Web page tells a potential donor that they can make contributions in unlimited amounts. These can be from any source and they are not ever going to be a matter of public record.

These 527s pose a grave threat, I believe, to our current democratic process. Unfortunately, our House leadership will not give us a vote on this important issue. It is my hope that the next time I come to the House floor to discuss these 527s it will be to pass the bill authorized by the gentleman from Texas (Mr. DOGGETT). Surely, in the House of Representatives we can do something to close this loophole and to clean up our election laws, and we should do it now.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, Mr. ISAKSON.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from New York for yielding me this time. I was not going to speak until I heard a speech a minute ago from the other side, and I just wanted to point out how simply as I could as why this is such an important law for all Americans.

There was a comment made about this bill being a legacy for the rich. Let me just, by using this piece of paper, give my colleagues an example. When a first generation American small business owner or family farmer passes to the second generation, what he has, the United States gets this, and the family gets this. When the second generation dies, to pass to the third, this is what the government gets, and this is what the family has.

If we do the math, we expect an American family who works and toils and hires and pays taxes to grow a business eight times its original worth on the death of the first owner in order for the third family generation, 40 years later, to have the same thing, while the United States Government has received 150 percent of the production of that business.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE. Mr. Speaker, thank the gentleman for yielding me this time. I do not think 2 minutes is going to capture the frustration I feel in rising today to speak about this rule.
There is not one of us on this floor or in this House that does not recognize the value of giving relief to small business owners and family farms. I do know, however, that the Democratic substitute that hopefully will be offered deals with those family farmers and small businesses, by providing real estate tax relief, without the $50 billion cost of the Republican proposal.

My frustration arises, because in the middle of a debate on Labor-HHS, we stop this debate with $1.25 billion has been taken out of the workers’ programs to exclude help for homeless reform and help for incumbent workers along with youth summer jobs. We stop that debate to debate the rule on the estate tax. And then this rule does not include the amendment of the gentleman from Texas (Mr. Doggett) on 527s, that deals with exposing which donors donate to groups organized around advocating for certain issues.

If we are trying to take dollars from family farms and small businesses, why are we relying on big bloated individuals to fund these unknown entities with 527 funds, and we cannot even say who is it that is giving money.

I am frustrated because I think the debate on Labor-HHS should have continued. We should have been able to discuss youth opportunity grants, we should have been able to discuss training of incumbent workers. The Nabisco plant that was closed in my district had workers that should have the funds to benefit from worker training dollars that are now cut from the Labor-HHS appropriation. Such dollars could help these individuals to be trained for possible jobs in the technology industry. Homeless veterans should have been able to get the dollars that were needed, yet we stopped the debate on Labor-HHS to debate an estate tax provision that costs $50 billion at the same time we will need the money to fund Social Security.

Mr. Speaker, the rule is unfair in several respects, one, that the Doggett amendment on 527 groups was not allowed under this rule; two, that we are debating this estate tax legislation with its $50 billion dollar price tag instead of proceeding with the Labor-HHS legislation; and then, thirdly, we have on the floor a $50 billion bill that could have been done in a bipartisan manner at less costs that would have truly given estate tax relief to small businesses and family farmers.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. Foley). Mr. FOLEY. Mr. Speaker, I appreciate the conversation today, and it is interesting that we are talking about giving estate tax relief for American families yet my colleagues on the other side of the aisle are changing the subject to campaign finance reform. It is interesting today that DNC, the Democratic National Committee, begins airing soft money ads for Al Gore, but no one talks about what the majority party, about giving tax relief to families.

The premise was launched today about the rich getting a benefit under the bill. Well, let me tell my colleagues that the estates did not just materialize. The people who have created the businesses and the wealth in America paid excise taxes, paid property taxes, paid sales taxes, paid income taxes. And the wealthy that my colleagues are speaking of with such affection know how to avoid estate taxes. They buy high-dollar denomination insurance policies. But the small family business cannot afford them because they are paying over larger taxes.

I understand there is a substitute being offered by the minority. And it is interesting, they have had 40 years to do something about estate relief tax, they have had 40 years to change the Tax Code. But know we are here today to try to rectify what is an egregious violation of hard work and equity on the American taxpayer.

Let us remember, my colleagues, that small businesses grew through hard work, entrepreneurialism, and strength of families; and, lo and behold, when the person who created the business and prayed to God that all that hard work would some day benefit their children, in steps the Government, their new partner. They were not there to assist them through the growing formative years. But, lo and behold, they are now told to take out not only their fair share but an excessive share.

Then we hear the hew and the cry from the other side about the diminution of revenue to the States. Well, let us cry for that today. Because the families who work their entire life have their businesses decimated, destroyed, subdivided, and sold off in pieces at auction to pay the Government’s need for revenue. They are addicted to cash in the States and the Federal Treasury. We should do something today for the American families.

I always learned growing up, my parents told me to work hard, strive for success, reach for excellence, build equity, make a life for yourself, be independent. Under the assumption today, we are passing a bill that furthers that independence and creates self-worth and dignity. Under their approach, let me take it out of their pocket, I do not care how hard they work. It is my money, and I will spend their money as I see fit.

My colleagues, let us focus on estate taxes. Let us focus on families. We will deal with 527s. But let us not change the subject. Pull the ads on the air by the DNC, and then we will talk about 527s.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Davis). Mr. DAVIS of Florida asked and was given permission to revise and extend his remarks.

Mr. DAVIS of Florida. Mr. Speaker, we are going to debate and adopt some estate tax relief bills we should, as was pointed out by the previous speaker. But we also have an obligation to deal with an immediate problem that has developed in our campaign finance reform system which, we have to admit, is rancid. And that immediate problem is a gaping loophole that has developed that is referred to as the section 527 committee, a committee that solicits funds that are intended to be used to influence the outcome of an election and there is absolutely no disclosure whatsoever.

As has been alluded to, this is not just a Republican problem. It has started off that way. I am terribly concerned the Democrats will succumb to the temptation to engage in this abuse. We need to stop that before it happens. What is at stake here? What is at stake here is, when people go out to vote in elections this fall, they have the right to know who is talking to them. People should put their names on their ads if they are attempting to influence the outcome of an election.

What is the only substantive argument against this? There are groups that have said that if their names have to go on some of the ads they want to run, they will not run those ads. If they are not willing to put their name on a message that they are sending to the voters, they should not have a right in this country to be engaging in anonymous political advertising.

We have to stop that today. We can repeal the gift law exemption. With respect to these 527 acts, we can do that. And we can do estate tax relief. Let us do the right thing. Let us defeat the rule, and let us bring it back at the right time, and let us stop this abuse before it gets worse.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. Linder).

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

Mr. Speaker, I have got to comment on the fact that the Democrats seem to rather talk about campaign finance reform on this than relieving America from an insidious tax, an immoral tax, a tax on what they accumulated through their lifetime and want to pass on to their children. Next to the gift tax, it is the least moral tax. But they would rather talk about 527 organizations than estate tax relief.

Their indignation, while seeming real, seems also very selective. Where were they when the peace action 527 was hammering Republicans? Ben and
Mr. Speaker, I am rising in strong opposition to the rule, primarily because it has denied the gentleman from Texas (Mr. STENHOLM) the opportunity to offer an amendment that I believe was meant to protect Social Security, Medicare, and debt reduction. In fact, this was the same amendment that was offered on the CARIB bill that was just for $3 billion on May 10.

Now I would accept it on that one. Today we are looking at a bill that is going to cost us $50 billion and for about 45,000 people.

Mr. SUNUNU. Mr. Speaker, will the gentleman yield me, too?

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

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Now I would accept it on that one. Today we are looking at a bill that is going to cost us $50 billion and for about 45,000 people.
Mr. Speaker. I rise today in strong support of H.R. 8, the Death Tax Elimination Act of 2000. I urge my colleagues to lend this bill their full support.

The estate tax is an outdated policy that has long outlived its usefulness. Alternately known as the death tax, this tax was instituted back in the early 1900s, about 1960, to prevent too much wealth from being passed down from the wealthy capitalists in the early 20th century America. Regrettably, the law failed in its original purpose, as the truly wealthy are always able to shelter their income with the help of tax attorneys that the middle class cannot afford.

In reality, the estate tax has been responsible for the death of 85 percent of America’s small businesses by the third generation. Furthermore, countless numbers of farms have had to be sold in order to pay an outrageously high estate tax ranging as high as 55 percent of the farm’s assessed value.

By forcing the sale of such farmland to outside buyers, often commercial developers, the estate tax has been a large contributor to suburban sprawl and unchecked growth in my congressional district in southern New York State. The most indefensible point about the estate tax, however, is the cost associated with enforcing and collecting it. Recent estimates have placed the cost of collecting at 65 cents out of every dollar taken in.

Given this excessive cost, as well as the fact that the assets taxed under the estate tax have already been taxed several times, it makes no sense for us to continue this nonsensical practice. Family-owned small businesses certainly will do better without the taxes, as would family farms that still operate from generation to generation.

Accordingly, I urge my colleagues to join in supporting this worthy legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the cosponsor of the amendment.

Mr. STENHOLM. Mr. Speaker, let me first say what I am for and what I will vote for. I am for eliminating the death tax on every estate of $4 million or less. I could be persuaded in the kind of debate that I would hope we would have to repeal the entire death tax if it was done in the context of total tax reform. But in the context of which we will discuss it today and tomorrow and in this rule, I oppose strongly this rule because it prevents the gentleman from California (Mr. SHERMAN) and I from offering an amendment to junk that the estate tax does not threaten Social Security and undermine the fiscal discipline that has produced our strong economy.

During the debate on the Conservation and Reinvestment Act, I joined with the gentleman from Arizona (Mr. SHADEGG) to offer an amendment that made the new spending for conservation programs contingent upon certifying the estate tax is not truly needed. Was that really a substantive issue? I believe firmly it is not. What does that really mean? Let us take a closer look. That means if your estate, your home, your business, your farm is only worth $60,000 or $1 million, and you die, well, they agree that should not be taxed. But if you are successful, if you are too successful in their eyes, and your business or farm is worth $5 million or $10 million or $20 million, then the Federal Government should be able to take half, 55 percent of everything you own. The Federal Government is given a presumptive claim to all of it. Is that right? Never. It is wrong if your estate is worth $50,000, it is wrong if your estate is worth $50 million. It is wrong if you are Bill Gates and your estate is worth $50 billion for the Federal Government to step in and say we get 55 percent of everything you have.

I think that cuts to the core of what this debate is all about. It is morally wrong to have written into the Tax Code that kind of power to confiscate an individual’s property, rich, poor, farmer, small businessman, individual, or family.

I ask my colleagues to support the entire elimination of the death tax here on the floor tomorrow, not because of dollars and cents but because of right and wrong.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. I thank the gentleman for yielding me this time. Mr. Speaker, the Joint Tax Committee estimates that only 2 percent of all estates will pay estate taxes. Only 3 percent of that 2 percent are estates where family-owned businesses and farms take up more than half the value of the estate. To put this in further perspective, in 1998, the Department of Treasury estimates that only 776 family businesses and 642 family farms were subject to the estate tax. As a small businessperson, I am very much aware of the burden under which many entrepreneurs and working families must operate.

My family has a family business, and I understand the concerns of those who want to pass their business on to the next generation. We have passed legislation in this Chamber which has exempted 98 percent of the family-owned family businesses and family farms. Still we are going to do more, and I would do more. The plan that is before us today even in the 10-year period is $50 billion a year, but really what we are talking about is over $500 billion from 2011 to 2020, $500 billion when the baby boomers are coming of age for Social Security, for Medicare, and when many of us are talking about a prescription drug program.

I think that the box that everybody promoted earlier and all of us
have supported, the lockbox will be empty when it is opened up and it is already going to be taken out for less than 2 percent of the estates in the entire country who are going to have those resources available to them. The substitute upon which we are supporting which is a common sense approach to continuing to reduce the burden on family businesses and family farms is a 20 percent reduction across the board in raising the level, further reinforcing tax relief for these families and to make sure that they have an opportunity to pass it on from one generation to the next.

It is something that is very important to me. We have reached across the aisle and tried to work bipartisanly, but the plan that the majority is supporting is going to break the bank and not going to leave any resources for any relief for any Americans.

I think one thing that I hear from my business friends which I would like to be brought to your attention today is that if we could work on reducing the interest rates and reducing the debt and deficit, that there would be a lot more economic activity and a lot more purchases of homes, lower student loan interest rates for car loans and increasing economic activity throughout America. That is what we ought to be doing, is looking to reduce the debt and the deficit and not squandering it for a very few families who are very, very wealthy, taking up all of what is left for Social Security, Medicare, and a prescription drug program.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Cox).

Mr. COX. Mr. Speaker, let us remind ourselves how we got here. When, in 1993, I introduced the first bill in the history of the income tax to repeal the death tax, we had just a few sponsors. By the 106th Congress, I had over 200 sponsors on legislation to repeal the death tax. And last year the House and the Senate agreed on legislation that we sent to President Clinton to completely repeal the death tax. In September 1999, Bill Clinton vetoed the death tax relief.

Now we are back here to do it again for one simple reason. The gathering momentum behind repeal of the death tax is a result of the increasing realization of where the burden of this tax falls. It is going to break the bank if we do not repeal it, let us at least do the right thing at least take this very sensible and practical approach. If we cannot pass comprehensive finance reform or even incremental reform with Shays-Meehan or the McCain-Feingold bill in the Senate, let us at least do the right thing and demand disclosure in the 527s.

Mr. REYNOLDS. Mr. Speaker, I yield ½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to say that it is amazing to me that so much of the debate against this bill has been about campaign finance. I am for the rule, I am for the bill. I do not understand why the other side of it, I might be trying to talk about something else as well. Two weeks ago, we repealed a tax that we had put on the books in 1998 to fight the Spanish American War. This tax is coming back onto the table to fight World War I. It is time to get rid of these 100-year-old special purpose taxes and even the 86-year-old special purpose taxes. People do not have anything at their death that they have not paid taxes on many, many times. Death should not be a taxable event. You should not have to see the IRS agent and the undertaker the same week or you should not have to see the IRS agent because you saw the undertaker.

We need to eliminate this tax. We can do this. The American people know it is unfair. Let me make one final point. In terms of spending like we were talking about in the CARA bill and the senator from Texas (Mr. STENHOLM) and I are on the same side, we are talking about spending on Federal land or for more Federal land. If a family budget goes in the red, they cut their spending. They do not get a new source of income. There is nothing wrong with cutting taxes and giving the American family the tax break they need. If we have a shortfall, we ought to find that shortfall in spending just like we said on the CARA bill we were prepared to do.
estate taxes in 2001. If one’s estate is $1.5 million under current law one would pay $335,000 in taxes. Under the underlying bill, the repeal bill, one would still pay $277,000, a 17 percent reduction. But under the Democratic substitute one would only pay $335,000, or a 60 percent reduction.

The problem is that we are trying to deal with family-owned businesses and family farms, which represents 3 percent of the 2 percent of the estates that are subject to the estate tax. 0.6 percent. We spend a lot of money to do it. The substitute deals with it directly by raising that to $4 million before it is subject to estate tax.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Ways and Means.

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

Mr. DREIER. Mr. Speaker, thanks to this full, wholesome, and hard-hitting debate, one might conclude that this is a partisan issue when, in fact, it is very bipartisan. There are 46 Democrats who have signed the gentleman from Washington (Ms. DUNN) as cosponsors of this very important legislation.

As has been pointed out several times, death should, in fact, not trigger a tax; and it is very, very unfortunate that the majority of the House, including the gentleman from California and the other Republican members of the Committee on Rules have now joined their Republican colleagues on the Committee on Ways and Means, who have twice voted, on a strictly partisan basis, to ensure that this House does nothing to clean up the mess in our political system.

My amendment that they rejected is to the gift tax, a critical part of this estate and gift tax bill. I believe that it is the time for taxpayers to stop subsidizing those who make unlimited, secret contributions to section 527 political organizations.

What is a 527? Not some new kind of aircraft. A 527 organization, quite simply, is a political hit squad. It relies on contributors who are hidden: they can be foreign, they can be Iraqi, Cuban, Chinese, whatever, or just home-grown special interest corporate treasuries. Its operations are secret, and its mission is to assassinate. These are the groups that pollute the airwaves and fill our mailboxes with hate ads attacking one side or the other.

Last week, before we recessed for Memorial Day, 201 Democrats and 6 Republicans stood on this floor and said, enough of that nonsense. They voted to clean up this mess, and at least get disclosure, nonprofit disclosure. This amendment applies to everyone, regardless of political philosophy or association or allies, to see that all of them meet the simple, narrow requirement of merely answering: "who gave you the money" and "what did you spend it on?"

Today, as we speak on this floor, on the other side of this Capitol, Republican Senators are rising to say they cannot do anything about cleaning up 527 political organizations because it is a tax measure, the very reason I offered a substitute amendment: they say that the House must act first. So we have on one side, the Republican leadership saying the House must act first, while the House leadership hammers into submission the members of its caucus to kill them from doing what they know is right. Our Republican colleagues know that their leadership, and some have said this, they know their leadership’s position is absolutely indefensible, that one cannot defend relying on secret, hidden money to produce these hate ads, and yet that is what the leadership insists that they do.

Those who say that the Republicans, as some reports have suggested, now have a proposal to deal with this problem are wrong. They do not have a bill, they do not have a hearing, they do not have a proposal for which they will even provide an outline. All that they are doing is trying to provide their caucus some cover, because they also do not have any good excuse for not resolving this problem. As Senator JOHN McCAIN has said, this is “the latest manifestation of corruption in American politics,” and we can do something about it with this bill. Tomorrow, there is going to be a moment of truth, a motion to recommit and an opportunity to vote up or down to stand and show whether we are in favor of more deceit, of more character assassinations on the television airwaves paid for with hidden money, or whether we are in favor of cleaning up this corruption of the American political system.

The Washington Post said it best today in its editorial, “In Love With Dark Money,” “it is hard to avoid the conclusion that a majority of the House, including the leadership, cannot be shamed into voting at least for sunlight. Why would they prefer the dark?”

Mr. Speaker, I would challenge my Republican colleagues to answer that question.

Mr. REYNOLDS. Mr. Speaker, I have enjoyed the special orders during the rule that we are now debating, I yield 1½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I say to the gentleman, I would be pleased to set the record straight on his comments. The gentleman has raised a very substantial, interesting, and I think important issue in his proposal to require disclosure by 527 groups, and I believe the gentleman is aware that the Subcommittee on Oversight and Investigation of the Committee on Ways and Means is, as we speak—and has been back only 2 days since this was discussed at the Committee on Ways and Means full committee meeting—is preparing a proposal that goes beyond the gentleman’s proposal in a very important way. It goes beyond the gentleman’s proposal by treating all tax-exempt entities that are allowed under the law to engage in political activity the same way.

I agree with the gentleman’s proposal. I just do not believe that it is evenhanded tax law, because it does not treat in an evenhanded, equitable, fair way all entities that are tax-subsidized, that is, citizen-subsidized, but allowed to engage in political activity the same way.

So we are going to do a very good job on this, in my estimation. Sunshine is important. Entities that engage in political activity with taxpayer subsidies should be required, in my estimation, to allow their contributors and their expenditures; and I believe that we will have the opportunity in committee and on this floor, to pass legislation that
builds on the gentleman's proposal, and does what is necessary, and that is, treats §20(c)(3)s, 4s and 5s and 6s the same way.

So I urge support for the rule and opposition to the previous question motion.

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

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the amendment will be in order the Sherman-Stenholm fiscal responsibility amendment. The fiscal responsibility amendment requires that the estate tax relief will not take effect until, one, the OMB certifies that in effect, will be retired by the year 2013; and, two, that the trustees certify that plans are in place to keep solvent the Social Security and the Medicare trust funds. Mr. Speaker, I urge a "no" vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of my amendment be printed in the Record immediately before the vote on the previous question. The temporary Chairman (Mr. MCHUGH). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. REYNOLDS. Mr. Speaker, I yield ½ minutes to the gentleman from New York (Mr. FOSSELLA). (Mr. FOSSELLA asked and was given permission to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from New York for yielding, and I thank the gentlewoman from Washington (Ms. Duhn) for bringing this bill to the floor, and I support the rule.

The story of Alvin Conklin and his idea of opening up a small lumber shop on Staten Island represents one man's hope for the American dream for himself and his family. Established in 1888, Farrell Lumber remains a family-owned and family-operated business in its truest sense. For 112 years, Alvin Conklin and then Harry Farrell and his wife, and today, their children, Bob and Don, and grandchildren all helped make Farrell Lumber a thriving small business with an impeccable reputation for quality and service. They are a proud member of the Staten Island community.

However, the estate tax threatens their small business much like it threatens so many small businesses in America today. For the Farrells, the estate tax could potentially confiscate the value of their family business, and worse, strrip the Farrells of their dream to pass it on to their children and grandchildren. It is evident that the death tax discourages savings and investment and entrepreneurship and punishes families like the Farrells who work 15-hour days to grow and expand their business.

Repealing the estate tax would ensure economic fairness for all Americans, while encouraging expanded growth and prosperity for our country as a whole. Let us not forget the 35 people who work for the Farrells. Those are the guys who load the truck with lumber, who drop it off at your house, or the lady who helps you select a door. If the Farrells have to close their doors, those 35 people will be out of work.

There is a story like that across America. Let us end it and make it a good one for the Farrells.

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

The death tax stifles growth, discourages savings, stymies job creation, drains resources, and ruins family businesses and farms. It is time we phase out this unfair tax and allow the American dream to be passed on to our children and future generations.

Mr. MOAKLEY. Mr. Speaker, I include for the RECORD the material previously referred to.

PREVIOUS QUESTION VOTE TO MAKE IN ORDER THE SHERMAN-STENHOLM FISCAL RESPONSIBILITY AMENDMENT

Page 2, line 13, strike “and” the second place it occurs and after “(8)” insert the following:

“The further amendment printed in section 2 of this resolution, which may be offered either by Representative Sherman of California or Representative Stenholm of Texas, or their designee, shall be considered as read, and shall be separately debatable for a total of 5 hours equally divided and controlled by the proponent and by an opponent; and (4) At the end of the resolution, add the following:

“Section 2. Amendment to be offered by Representative Sherman of California or Representative Stenholm of Texas, or their designee:

At the end of the bill (page after line 1), add the following new title:

TITLE VI—ENSURING DEBT RETIREMENT AND INTEGRITY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUND SURPLUSES

SEC. 601. ENSURING DEBT RETIREMENT AND INTEGRITY OF THE SOCIAL SECURITY AND MEDICARE TRUST FUND SURPLUSES.

(a) In General.—Notwithstanding any other provision of this Act or of an amendment made by this Act, a reduction in the rate of tax (including the repeal thereof) under section 2001(c), and an increase in the exemption amount under section 2001(b), of the Internal Revenue Code of 1986 which is scheduled to take effect in a calendar year shall not take effect unless the certifications specified by subsection (b) for the fiscal year in which such reduction is made before the beginning of such calendar year.

(b) CERTIFICATIONS SPECIFIED.—The certifications specified in this subsection are the following:

(1) The Director of Office of Management and Budget has certified that a law has been enacted which—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under the economic and technical projections, and

(B) ensures that, under current economic and technical projections, the unified budget surplus in such fiscal year begins shall not be less than the surplus of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Hospital Insurance Trust Fund for such fiscal year.

(2) The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Hospital Insurance Trust Fund has certified that—

(A) that the outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during the fiscal year and any of the next 5 fiscal years, or

(B) that legislation has been enacted extending the solvency of such trust fund for 5 years.

(3) The Board of Trustees of the Federal Hospital Insurance Trust Fund has certified that—

(A) that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during the fiscal year and any of the next 5 fiscal years, or

(B) that legislation has been enacted extending the solvency of such trust fund for 5 years.

(c) CONTINUATION OF PRIOR RATE OF TAX.—If a reduction in the rate of tax (including the repeal thereof), or an increase in the exemption amount, under section 2001 of such Code does not take effect for a fiscal year under subsection (a), the rate of tax and exemption amount under such section in effect immediately before the beginning of such fiscal year shall continue.

Mr. RAMSTAD. Mr. Speaker, I rise as a co-sponsor and strong supporter of the measure before us to eliminate the unfair Death Tax.

The Death Tax destroys a fundamental American dream—being able to pass on the success we have earned to our children. Currently, more than 70 percent of family businesses do not survive to the second generation, and 87 percent do not make it to the third. My own family worked to build a family-owned car dealership, and we felt the punitive blow of the Death Tax.

How can we continue to impose a tax that forces the sale of family businesses and throws Americans out of work? How can we continue to tax the very values we should be encouraging—work and saving for our families?

Mr. Speaker, the American people understand that this tax is unfair and should be eliminated. The Death Tax forces families to expend resources on burdensome estate planning.

Small businesses understand that it forces them to cut back operations, sell income-producing assets, lay off workers and sometimes liquidate the business.

Conservation groups understand that the Death Tax damages the environment by forcing families to sell land to developers to pay the onerous tax.

Mr. Speaker, the Death Tax deserves to die. This bill will kill the anti-family, anti-job and anti-environmental tax, and I urge my colleagues to support it.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—aye 242, noes 180, not voting 12, as follows:

[Roll No. 249]
As the gentleman knows, Mr. Chairman, the LIFE bill authorizes the CDC to address overweight, obesity, and sedentary lifestyles in three ways: by training health professionals to recognize the signs of obesity and to recommend prevention activities and several other ways.

Would the gentleman from Illinois (Chairman PORTER) agree that some of the $125 million in this Labor HHS bill be spent on the activities specified in the LIFE legislation?

Mr. PORTER. Mr. Chairman, I am pleased to support the LIFE bill, and I believe that the goals of the national campaign to change children's health behaviors will address the initiatives in the LIFE legislation.

Ms. NORTON. Mr. Chairman, if the gentleman will further yield, toward that end, will the gentleman join me in requesting the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), ranking member of the authorizing committee of jurisdiction, the House Committee on Commerce, to support inclusion of the LIFE bill in the conference agreement on this bill?

Mr. PORTER. Mr. Chairman, I would be happy to do so.

Ms. NORTON. Mr. Chairman, I want to thank the gentleman from Illinois (Chairman PORTER) for his support and for the leadership on this vital health issue he has shown throughout his career here in the House.

The CHAIRMAN. Are there further amendments to this portion of the bill?

AMENDMENT NO. 6 OFFERED BY MR. BASS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. Bass:

Page 2, line 13, after the dollar amount, insert the following: "(reduced by $42,000,000).

Page 2, line 14, after the dollar amount, insert the following: "(reduced by $42,000,000).

Page 20, line 11, after the dollar amount, insert the following: "(reduced by $30,000,000).

Page 22, line 7, after the dollar amount, insert the following: "(reduced by $30,000,000).

Page 24, line 7, after the dollar amount, insert the following: "(reduced by $30,000,000).

Page 31, line 23, after the dollar amount, insert the following: "(reduced by $75,000,000).

Page 51, line 21, after the dollar amount, insert the following: "(reduced by $50,000,000).

Page 52, line 12, after the dollar amount, insert the following: "(reduced by $480,000,000).

Page 52, line 18, after the dollar amount, insert the following: "(reduced by $450,000,000)."
Page 53, line 5, after the dollar amount, insert the following: ``(reduced by $30,000,000).''

Page 53, line 17, after the first dollar amount, insert the following: ``(increased by $1,001,000,000).''

Page 53, line 17, after the second dollar amount, insert the following: ``(increased by $10,000,000).''

Page 55, line 20, after the dollar amount, insert the following: ``(increased by $10,000,000).''

Page 55, line 2, after the dollar amount, insert the following: ``(reduced by $3,000,000).''

Page 55, line 10, after the first dollar amount, insert the following: ``(reduced by $22,000,000).''

Page 55, line 11, after the dollar amount, insert the following: ``(reduced by $7,000,000).''

Mr. BASS. Mr. Chairman, I would like to start by thanking the gentleman from Illinois (Mr. PORTER), chairman of the subcommittee, for his attention and his patience and, frankly, his extraordinary wisdom concerning the issues that all of us are concerned about here, most notably with this amendment, the issue of special education IDEA funding.

Now, this is the first of two amendments that will further increase the level of funding for special education. I am proud of the fact that since I have been in Congress we have increased special education funding from about $2.3 billion, and, hopefully, after this amendment passes, up to $6.5 billion, or 16.5 percent of the total amount we need to provide in this body. I just want to urge my colleagues to join me in passing this amendment, understanding that these funds will free up money on the local level for other programs, for property tax relief, for classroom construction, for hiring of additional teachers, and more. It's time to pass, and I urge the Congress to adopt it.

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

Mr. Chairman, I know how strongly the gentleman from New Hampshire feels about the importance of the IDEA program, and I share those feelings. But in order to increase IDEA State grants by over $1 billion, I would cut Job Corps $42 million, health professions $69 million, Ryan White $65 million, abstinence education $10 million, CDC by $130 million, SAMSHA by $50 million, Impact Aid by $78 million, the Teacher Empowerment Act by $450 million, charter schools by $30 million, Indian education by $30 million, Gallaudet University by $3 million, vocational ed by $22 million, and Howard University by $7 million.

Now, Mr. Chairman, the reason these programs are funded above the budget request or above last year's level in the bill is that these programs are doing a good job of meeting the needs of people. We have increased funding for IDEA at a very, very fast rate. It has been a high priority for us. We have added $2.7 billion to the IDEA during our tenure; and we have brought the additional per pupil percentage costs to serve disabled children up to 13 percent. It was at 9 percent in 1995. Other Federal funding brings it to 16 percent. We have put this particular account, IDEA, at a very, very high priority.

We have added a $500 million to the bill already. We would like to, and hope that in some time in the course of considering this bill in conference with the Senate, and in negotiation with the White House, we can add more. At this time, I think that the cuts that would be made in very important programs would be very severe and would not serve the interests of the persons served by those programs at all. These are needed monies in every case.

For that reason, while I respect the gentleman's concern about IDEA, I believe that this amendment should not be adopted.

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

Mr. PORTER. I yield to the gentleman from New Hampshire.

Mr. BASS. I respect the gentleman’s concern about this, and I would only point out that we have time and time again in this body said that special education is, if not our very highest priority, it is certainly at the very top of the list. And I would only point out that at least five of these programs that the gentleman mentioned still have increases in them, and not one of them, not one of them is cut from the level of spending from last year. I agree with the gentleman that it is not an easy job to propose an amendment like this, but I think special education is important enough to me that it deserves to be funded at a $2 billion increase.

Mr. GOODLING. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

As the leader of trying to get the Congress to put its money where its mouth has been for 20 years in the minority, and now it's in the majority, I have to rise to oppose this very effort for several reasons.

First of all, this takes money from the Teacher Empowerment Act. The whole purpose of the Teacher Empowerment Act is to get quality teachers in the classroom so that, as a matter of fact, we do not keep increasing the number of young people who get placed into a special needs class.

Charter schools. They are working, and they are working to make sure that we do not increase the number of children who end up in a special needs program.

Job Corps. Last chance for these young people. And let me tell my colleagues, if we do not succeed on that last chance, the cost of taking care of those people will even be far greater than the cost of meeting special needs.

Impact Aid. We take it from them one place and give it back to them in another. And now 6 years in the majority, I have to rise to oppose this very effort for several reasons.

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Impact Aid. We take it from them one place and give it back to them in another. And now 6 years in the majority, I have to rise to oppose this very effort for several reasons.

Mr. BASS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I very much respect the gentleman from New Hampshire, and I respect his concern for special education. I have a special interest in special education which I have never concealed. I have a nephew who is a Down syndrome child, and I know many other good friends who have children in need of the same kind of services. But
there is a way to do something and a way not to do something.

This chart shows, as the gentleman indicated, that just 36 days ago this House promised that it was going to spend $7 billion on special education. This is $1.5 billion more than what we need to sustain special education. We were trying to offer an amendment to add $1.5 billion to special education, not by cutting all of the programs that the gentleman from Illinois has just listed but by changing this equation.

We wanted the majority party to take 20 percent of the tax cuts which they are voting through this place this year, eliminate 20 percent of those tax cuts so that we could fully fund not only education for the handicapped but so that we could fully fund other education and health and worker training programs. We could have funded all of those amendments by simply scaling back the size of the tax cut by 20 percent. I do know how the benefits from those tax cuts are scheduled to go to the richest 1 percent of people in the country. The other 99 out of 100 are only scheduled to get 27 percent.

Now, that is a better way to finance this than the way that the gentleman is proposing. A couple of hours ago, when the gentleman from Kansas (Mr. TIAHRT) was on the floor, he presented the House with a chart and he was bragging about how much the majority party has increased funding for the Job Corps. And I stood up and I said, hooray, Allah be praised, hallelujah, everything else I could think of, welcome to the club, because I remember fighting on this floor in 1981 when Ronald Reagan was trying to zero out the Job Corps. So I welcomed the gentleman and I welcomed the conversion of the majority party to support for Job Corps. This amendment, 3 hours later, would cut Job Corps by $42 million.

Job Corps has only a 50 percent success rate, but we are starting out in Job Corps with kids who have been losers 100 percent of the time. So a 50 percent rate of saving kids who otherwise are on a short route to nowhere is a whole lot better batting average than Babe Ruth ever had.

But this would cut Job Corps. It would cut nurses training. It would cut community health funding. That is where we really need to go to get health care because they often cannot go to a normal middle-class hospital and get that health care without begging. It would cut that back. It would cut back the abstinence aid that the gentleman from Oklahoma is so interested in and cut back public health funding in the Center for Disease Control. It would cut back funding to fight drug abuse. It would cut back Impact Aid. It would make a $450 million cut in the class size block grant.

The majority has asked us on this side of the aisle why we do not block grant this money instead of requiring that money be spent to reduce class sizes? And we have said because we have seen what happens when we block grant money. First, we block grant it, and then after it is put in one block, then it is cut; and you can escape the political attention that comes from having to cut the programs individually.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. Obe allowed to proceed for 2 additional minutes.)

Mr. OBEY. So we have evidence right here in this amendment, Mr. Chairman, to verify our fears. We do not even yet have the block grant put into law and already this amendment is trying to cut it by $450 million.

Then it cuts Indian education. It even cuts $3 million out of Gallaudet, the school for the blind. And there are some other cuts.

So, Mr. Chairman, I would point out that even the people who are the beneficiaries of this amendment are asking that it not be passed. The Council for Exceptional Children, that is the group that lobbies for funding for special education, is saying, "Do we want these money to be wasted?" You cannot do that at the expense of cutting these other educational programs? No, we do not." PTA is saying the same thing. Our local school administrators are saying the same thing.

I do not blame the gentleman for offering this amendment, because he has a legitimate heartfelt concern. But what this amendment demonstrates is what we have been trying to say all year on this side of the aisle. It demonstrates there is simply not enough funding in this bill for education of all kinds and for health care and for job training. Sooner or later the majority will recognize that. Sooner or later it is going to have to change this equation so we get a better deal for middle-class taxpayers; and, at the same time, sooner or later we will put back not only the money for special education but the additional money we need for Pell Grants, for Title I, and the list goes on and on.

It, unfortunately, is going to take longer than it ought. But, meanwhile, we should not complicate it by passing this amendment. So I regretfully urge its rejection.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from Pennsylvania.

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

I just want to talk a little bit about broken promises. It was not Republicans in 1975, but the American people that we will move this legislation and within a few years we will give 40 percent of excess costs. We were not in the majority.

During that entire time, while that majority was here, we never got anywhere near the 40 percent. We never got above 6 percent. At least in the last 5 years we have gotten up to 13 percent.

So do not tell me about broken promises. It was not Republicans who were on the other side of the aisle and they were made back in 1975, and nothing was done when they had a 2-to-1 majority in this Congress of the United States.

1800

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I sympathize with the gentleman that is offering the amendment. I was chairman of the Subcommittee on Authorization when this bill came through for the first time on IDEA. If my colleagues have ever had a tangle where they put parent groups and school groups together, it is like putting a Persian and a Siamese cat together. It is a very difficult and it is a very complicated by that. I rise in opposition to the amendment of the gentleman. And I was the IDEA man of the year that year for pushing the bill through. And then later we had a colleague take over that position when I came to Appropriations.

But if the gentlemen on both sides really want to help, and I think they do legitimately, Alan Bersin is the superintendent of San Diego City Schools. He was the appointee of President Clinton on the border. He did a pretty good job, and now he is a superintendent. His number one problem is IDEA in the schools.

Why? Not so much the funding, but we are losing good teachers that want to help special-needs children. They are being forced into the courts by liberal trial lawyers that form cottage organizations and go to these parent groups and demand super Cadillac systems when they may only qualify for a small portion.

We have a school in San Diego where it costs $200,000 a year for one child in special education. And the schools cannot afford that. Quite often, as we increase the money, the trial lawyers come in and steal that money.

I agree with the gentleman, special education does need more money. I would like to work with the gentleman on that. But some of these programs, for example Impact Aid, do my colleagues know how that affects military families and Native American families? It really impacts them negatively. And so, I would say to the gentleman, I agree with the gentleman from Wisconsin (Mr. OBEY) that these are programs some of us feel are very, very important, Impact Aid, Gallaudet University, Republicans and Democrats play in a basketball game there every year just to raise a little bit of money.

Howard University. I went out and visited the president. When we talk about minority education, look and see the job they are doing. Over half of the new teachers hired in the last couple of
years were not qualified. And this funds the Teacher Empowerment Act, makes sure that those teachers are qualified.

We have test scores that are slightly rising. But yet, when a student goes to the university, they have to take remedial education. Why? Because in many cases in our inner cities those teachers are not qualified; and unless we bring up the quality of those teachers, then our students are always going to fall behind, and they are going to be left behind.

So it is with great reluctance I oppose the gentleman. I know it is in good faith. A large part of me wants to support him. But, overall, I have to oppose him.

Mr. BALDACCI. Mr. Chairman, I am a strong supporter of the Individuals with Disabilities Education Act. I strongly agree that every child deserves the opportunity to benefit from a public education and is able to reach his or her fullest potential.

In addition, I realize the tremendous cost of this endeavor. If our schools are truly to serve all students, the federal government must increase IDEA funding.

During my years in Congress, I have worked tirelessly to support increases in special education funding. I continue to support increasing funding for special education, and would like to see us funding it at $7 billion this year.

But there is a right way, and a wrong way to go about this.

The right way is to increase overall funding for education so that, in this time of extraordinary budget surpluses, we are meeting the needs of all students.

The wrong way is what is proposed in this amendment—robbing Peter to pay Paul. This amendment takes money from other equally worthy programs in order to pay for IDEA. Simply shifting money around doesn’t solve the problem.

The Labor HHS Education bill is woefully underfunded. Why? Not because our nation cannot afford to invest in education. But because our Republican colleagues want to give large tax breaks to their wealthy friends.

The result is that good programs are pitted against one another, forced to compete for artificially scarce resources. This is no way to govern.

I am committed to moving ahead with fully funding the Federal government’s promised 40% of IDEA expenses. But I will not do so at the expense of other equally worthy programs. As the Labor HHS Education bill goes to conference, I will be urging my colleagues in the House to accept the far more generous funding levels of the Senate bill, and to direct some of those additional resources toward special education.

So I urge my colleagues to increase funding for IDEA, but to do it the right way. Therefore, I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. Bass).

The amendment was rejected.

The CHAIRMAN. Are there further amendments to this portion of the bill? If not, the Clerk will read.
administrative expenses for the purposes hereof, and excluded from the above limitation.

**Employment Standards Administration**

**SALARIES AND EXPENSES**

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $337,030,000, together with $1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended in addition, notwithstanding 31 U.S.C. 3302, the Secretary of the Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: Provided, That, in any case where such data are not indexed and not easily searchable for the purposes of electronic submission of reports as required to be filed under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farm operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That the foregoing proviso does not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.:

**Occupational Safety and Health Administration**

**SALARIES AND EXPENSES**

For necessary expenses for the Occupational Safety and Health Administration, $381,620,000, including not to exceed $83,771,000 which shall be the maximum amount available for grants to States under the Occupational Safety and Health Act, as amended, and interest on such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of the Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: Provided, That, in any case where such data are not indexed and not easily searchable for the purposes of electronic submission of reports as required to be filed under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farm operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That the foregoing proviso does not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

**Mine Safety and Health Administration**

**SALARIES AND EXPENSES**

For necessary expenses for the Mine Safety and Health Administration, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles: and, in addition, not to exceed $750,000 may be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302, the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute programs in cooperation with the Bureau, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

**Bureau of Labor Statistics**

**SALARIES AND EXPENSES**

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local
For necessary expenses for Departmental Management, including the hire of three se-
dants, and including up to $7,241,000 for the President’s Committee on Employment of
People With Disabilities, and including the management or operation of Departmental
bilateral and multilateral foreign technical assistance, $244,579,000; together with not to
exceed $310,000, which may be expended from the Employment Security Administration
account in the Unemployment Trust Fund:

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three se-
dants, and including up to $7,241,000 for the President’s Committee on Employment of
People With Disabilities, and including the management or operation of Departmental
bilateral and multilateral foreign technical assistance, $244,579,000; together with not to
exceed $310,000, which may be expended from the Employment Security Administration
account in the Unemployment Trust Fund:

Provided, That no funds made available by
this Act may be used by the Solicitor of
Labor to participate in a review in any
United States court of appeals of any deci-
sion made by the Benefits Review Board
under section 21 of the Longshore and Harbor
Workers Compensation Act (33 U.S.C. 923) where
such participation is precluded by the
decision of the United States Supreme Court
in Director, Office of Workers Compensation
Programs v. Newport News Shipbuilding, 115
S. Ct. 2082, 132 L. Ed. 2d 117 (1995), in striking
provi-
sions to the contrary contained in rule 15 of
the Federal Rules of Appellate Procedure:
Provided further, That no funds made avail-
able by this Act may be used by the DE-

cracy of Labor to review a decision under
the Longshore and Harbor Workers’ Compen-
sation Act (33 U.S.C. 901 et seq.) that has
been appealed and that has been pending be-
fore the Benefits Review Board for more than
12 months:
Provided further, That any such review by the Bene-
fits Review Board for more than 1 year shall
be considered affirmed by the Benefits Re-
view Board on the 1-year anniversary of the
filing of the appeal, and shall be considered
the final order of the Board for purposes of
obtaining a review in the United States
Courts of Appeals: Provided further, That
these provisions shall not be applicable to
the review or appeal of any decision issued
under the Black Lung Benefits Act (33 U.S.C.
901 et seq.).

AMENDMENT NO. 9 OFFERED BY MR. OBEN

Mr. OBEY. Mr. Chairman, I offer an am-
endment.

The CHAIRMAN. The Clerk will des-
ignate the amendment.

The text of the amendment is as fol-
ows:

Amendment No. 9 offered by Mr. OBEY:

Page 16, line 24, after the dollar amount,
insert the following: "(increased by
$97,000,000)"

Mr. PORTER. Mr. Chairman, I re-
serve a point of order on the amend-
ment offered by a gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, just 2
weeks ago, the Congress passed the
China trade legislation. There were a
lot of reasons why a lot of Members voted
against that legislation.

One of the reasons is that a lot of us
are concerned about the prospect of
putting American workers in a position
where they are going to be directly un-
dercut by practices such as slave labor
and child labor.

The administration, the White House,
tried to make at least a nomi-
inal effort to try to prevent those prob-
lems from becoming any worse than
they are by raising funding for efforts

to combat the incidence of child labor
and weak labor standards.

This committee chose not to agree
with that funding. This amendment
simply would restore for the inter-
national labor standards the funding
of the bill the amount of money requested
by the administration that was not in-
cluded in the bill.

Let me explain in a little more detail
what it does. It would add $730 million
for international labor standards:

It would add $17 million to enforce
core labor standards. And it would add $10
million for responding to the HIV/AIDS
crisis in sub-Sahara Africa by sup-
porting workplace education and pre-
vention programs.

I would simply point out, Mr. Chair-
man, that, according to the Inter-
national Labor Organization, there are
250 million children between the ages of
5 and 14 who are working in develop-
ned nations with approximately half
of them working full-time but not
going to school.

The President wants to expand the
successful efforts of the ILO and the
Department of Labor and USAID to de-
velop education infrastructure and
monitoring systems to take kids out of factories and put them in
schools.

Mr. Chairman, these programs are
working. In Bangladesh they have
helped 9,000 kids get out of garment
factories and into classrooms.

In Pakistan they have got 7,000 kids
into school learning to read and write in
stead of sitting in a factory stitching
soccer balls. In Guatemala they are

getting kids out of quarries where they
are put before some of the greatest
dangers that are out there in the indus-
trial world, it also deprives their fami-
lies, their fathers and mothers of a liv-
ing wage. Because a society that has
dozens and dozens of hundreds and
thousands of small children working
means there is a surplus of labor. And
so at the end of the day not only are

And so again, all we are suggesting
is that all of these major 11 amend-
ments that we would like to offer could
be financed by scaling back the size of
the intended tax cut by 20 percent.
I think that would do a whole lot more
for our consciences. I believe that the
administration ought to be
adopted.

Mr. PORTER. Mr. Chairman, I con-
tinue to reserve a point of order.

Mr. PORTER. Mr. Chairman, I move
to strike the last word.

Mr. Chairman, as late as 1997, this
Bureau was funded at $9.5 million. That
is 3 years ago. In the fiscal year 2000
appropriation, it received funding of
$10 million. This is an over-600 percent
increase in just 3 years.

The administration wants to add an
additional $97 million, which would be
an additional 140 percent increase from
last year. At $167 million, funding for
this Bureau would be more than that
received for the World Bank Division,
which oversees labor standards in
the United States, including child
labor.

We recognize that this country needs
to be an international leader in labor
issues, such as child labor and inter-
national labor standards, which is why
we have agreed to such large increases
in this Bureau over the last 3 years.

I generally support the concept of
the amendment of the gentleman from
Wisconsin (Mr. OBEY) and would have
funded this at the requested level if I
could under our allocation. I will work
with the gentleman to achieve the
funding level in conference if we have
sufficient allocation at that time. How-
ever, I regret that at the appropriate
time I will have to press the orderly

1815

Mr. GEJDENSON. Mr. Chairman, I
move to strike the requisite number of
words.

One of the great things about the ex-
periment that we live in this great de-
mocracy is as we provide more protec-
tion for those who have the least in so-
ciety, we actually improve the living
standard of every American. When we
look to these developing nations, one of
the economic systems that is in play
is as more and more children work, and
not in family farms as I did and so
many others did grow up in a family
loom or a small family business but
often in the worst kind of condi-
tions, chemicals endangering their fu-
ture development and growth, haz-
ardous materials that may bring their
lives to an early end. Beyond even
those dangers to these children that are
put before some of the greatest
dangers that are out there in the indus-
trial world, it also deprives their fami-
lies, their fathers and mothers of a liv-
ing wage. Because a society that has
dozens and dozens of hundreds and
thousands of small children working
means there is a surplus of labor. And
the children deprived of an education, deprived of an opportunity to grow up not protected from these hazardous chemicals but the child's parents then earn not enough to survive.

This small program here would help us to feed the children. Actually, if we do not want to see the kinds of crises develop across Asia and Africa as we have seen so often before, we have to lift these societies. A majority of the people in this Congress voted to give China PNT without dealing with the empty bucket dealing with labor issues. We were precluded from bringing those issues to the debate.

Here is an opportunity to take a small step to provide some basic protection for children. We all come to the floor with speeches, we are pro family, we are for children. How about these children? How about making sure we have the resources to give their parents an even break, to give our workers an even break, and to give these children an even break and live a healthy life? If they are working when they are 5 and 6 years old in these factories, they are not going to get an education; and these societies are not going to move forward. It is bad for us, it is bad for them and it does them harm.

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

Mr. GEJ DENSON. I yield to the gentleman from Wisconsin.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very, very important and I think legitimate debate to see the differences between two opinions and to tell that lady a legitimate worker.

First of all, I do not want Hoss and Little Joe to have to sell the Ponderosa. I saw a movie. It was about a lady that emigrated, that had a child out of wedlock, she worked in a sweatshop back in the 1930's. She sold jelly, she sold everything she could for 5 years and finally saved some pennies and finally when she was able to bake cakes and things, she bought a little shack and started a store. The bottom line was she ended up with one of the largest department stores in New York. A true story. That is the American dream. I do not want that gentlewoman to have to give back 55 percent of everything she owns. I support that gentlewoman and the work at that store paid.

Mr. Speaker, I want to tell the gentleman the differences of opinion. For 30 years, the Democrats had control of this House. Did we have a balanced budget? No. Did we have tax increases? Yes. In 1993 when my colleagues on the other side of the aisle controlled the House, the White House and the Senate, they wanted what they called was 30 years, the Democrats had control of this House. Did we have a balanced budget? No. Did we have tax increases? Yes. In 1993 when my colleagues on the other side of the aisle controlled the House, the White House and the Senate, they wanted what they called was a tax breaks for the middle class. But yet they gave us the highest tax increase in history.

The increased the tax on Social Security. They increased the tax on the middle class. And they increased again the tax on Social Security.

They increased the gas tax. And did it go into the transportation fund? No. It went into the general fund so that they could spend more money on socialized programs. And then they took every dime out of the Social Security trust fund and spent that. In doing so they drove this country into debt.

Now, the Republicans came here took the majority and balanced the budget. Many of my colleagues on the other side opposed that because it took the ability to spend money away. We had welfare reform. Many of my colleagues on the other side opposed that, because it took their ability to rain money down, but yet I think when you talk about the American dream, I look at the children that now see their parents earn 20 years, average, on welfare is wrong. Yet they wanted to keep dumping money into those programs time after time after time in amounts of money and are never taxed.

Education, when they had control for 30 years, take a look at what we started with. Schools, construction, falling down. We are last in math and science of all the industrialized nations. We spend less than 40 percent of the Federal dollar to the classroom. Programs like title I spent trillions of dollars in education but was there any accountability? No, just more money, more money.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very, very important and I think legitimate debate to see the differences between two opinions and to tell that lady a legitimate worker.

And we had more and more programs. Was this mean spirited? No. You had somebody that wanted a new program, but what happened was they spread it out so much that none of the programs. How hard, IDEA, they did not get the funding they needed because everybody wanted a new program. But yet to get that, they had to keep taxing to pay for these new programs.

Any tax cut we offer, they are going to fight. The mantra is, and I think some of their constituencies actually believe it is only tax breaks for the rich. They say it over and over and over again. But the bottom line is they will not support any tax relief because it takes the money away from the government, which they truly and legitimately believe does a better job. We disagree with that. I think that is a legitimate fact.

We saved and locked up Social Security into a lockbox. That also prevented them from spending more money in bills like this, because we operate under a balanced budget and do not increase taxes like the President's budget. Did we ever, they RAID the Social Security trust fund, but we operate within the rules that the gentleman from Illinois (Mr. PORTER) has to operate under and classify these different programs. My colleagues want to keep spending above those amounts. That is a difference, ladies and gentlemen.

Mr. PORTER. Mr. Chairman, I continue to reserve my point of order.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I find it interesting when we are talking about a program to try and provide technical assistance to one of the poorest nations and some of the poorest people on Earth that the gentleman would come down and make a case for giving 2 percent of the richest people maybe on the face of the Earth the tax at is worth the amount of money that is why we do not have the money to deal with this program, because they have already made their decisions.
It is not the gentleman from Illinois' (Mr. PORTER) problem. His problem is the money that the leadership gave him because they took most of the money for their tax cuts, tax cuts that have been rejected by the American public time and again. So this American public understands there is an agenda that has to be dealt with by this Congress and by this Nation of securing Social Security, securing Medicare and paying down the debt, taking care of the education of our children. But they refuse to do that. So this Appropriation, which is the request, and the request to remove the优先 of this Nation and make the request, and the request to remove the $1 trillion tax cut. It is going to cost us almost $400 billion over 10 years, and it is very hard to do justice if you do not have the money to try to help people who are far less fortunate than we are so that they can have a good life for their families, their children, and for school, and then they can start to aspire to the same kind of dreams that we want for our children.

I thank the gentleman for offering the amendment.

1830

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment because of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a sub-allocation of budget totals for fiscal year 2001 on June 7, 2000, House report 106-656. This amendment would provide a new budget authority in excess of the sub-division made under section 302(b) and is not permitted under section 302(f) of the act. I ask for a ruling of the Chair.

The CHAIRMAN. The gentleman from Wisconsin (Mr. Obey) wishes to be heard on the point of order against his amendment?

Mr. OBEY. Yes, I do, Mr. Chairman. I would simply say that given the fact that the rule under which this bill is being considered guarantees that at all costs that tax breaks for the wealthiest 1 percent of people in this society will come before the needs of everybody else, I reluctantly agree that because of that rule, the gentleman is technically right, and the amendment, while correct and just, is not in order under the Rules of the House.

The CHAIRMAN. The Chair is authoritatively guided by the estimate of the Committee on the Budget, pursuant to section 312(a) of the Budget Act, that an amendment providing a net increase in new discretionary budget authority greater than $1 million would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Wisconsin (Mr. Obey), on its face, proposes to increase the level of new discretionary budget authority in the bill by greater than $1 million. As such, the amendment would violate section 302(f) of the Budget Act. The point of order is sustained, and the amendment is not in order.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $184,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C.

4100-4101A, 4121, 4214, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 169 of the Workforce Investment Act of 1998, $16,936,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $48,095,000, to remain available until expended, not to exceed $3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act shall be awarded between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer. Provided, That the appropriation of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. None of the funds made available in this Act may be used by any agency of the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 10, strike lines 13 through 19 (section 103).

Mr. TRAFICANT. Mr. Chairman, section 103 reads, "None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer, or enforce any proposed temporary or final standard on ergonomic protection."

The Traficant-Weldon amendment would simply strike the provision, and it would prevent OSHA from going forward with its proposed rule, requiring employers to come up with basic programs to prevent repetitive motion injuries.

This August the House passed H.R. 987, the Workplace Preservation Act, to have OSHA wait until another study is complete to implement the standards. For the record, I voted against the bill. Now, this bill overrides the wait provision and tells OSHA that it cannot set these standards.

We have many American workers, and I know what the complaints are, that some of these workers are taking advantage in the workplace of some of these musculoskeletal problems where, through repetitive work in industry, they develop these musculoskeletal problems and muscular problems that prevent them from working.
By striking the language, very simply, we would affect, in my opinion, 650,000 workers in the positive. We have an opportunity to pass a very straightforward amendment. Some employers have had experience with these programs in meat packing, foot wear facilities, that have seen significant reductions in these disorders, and I think today we should guarantee that other industries and employers see the same reduction in injuries and see fewer missed days of work.

It does not have to be like a tough job being a cashier, or nurses in nursing homes, or court reporters who sit with their fingers constantly moving and their hands subject to, over a period of years, much wear and tear, and that is not even getting to the point of those workers in manufacturing and assembly plants who, on a very repetitive motion, are bringing about certain heavy industrial tools and machinery.

So without a doubt, I think in the best interest of the country, certainly to serve the working community, and I think in the best interest of Congress, I think we should strike section 103. I think it is the right thing to do. By doing so, I think we would help many American workers.

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize and agree with the concerns of the gentleman from Ohio (Mr. TRAFICANT) who is offering this amendment. I believe that we are all worried about healthy workers, about workers who are important to this economy, they are important to their families, their income is important to their community and their family. This is an issue that is very important.

The problem is that the Department of Labor has been absolutely tone deaf in developing this rule. They have had all of these years they have been talking about what the rule is called. They do not have a mandate, certainly to serve the working community, and I think in the best interest of Congress, I think we should strike section 103. I think it is the right thing to do. By doing so, I think we would help many American workers.

Mr. Chairman, I recognize and agree with the concerns of the gentleman from Ohio (Mr. TRAFICANT) who is offering this amendment. I believe that we are all worried about healthy workers, about workers who are important to this economy, they are important to their families, their income is important to their community and their family. This is an issue that is very important.

The problem is that the Department of Labor has been absolutely tone deaf in developing this rule. They have had all of these years they have been talking about what the rule is called. They do not have a mandate, certainly to serve the working community, and I think in the best interest of Congress, I think we should strike section 103. I think it is the right thing to do. By doing so, I think we would help many American workers.

But the fact is that the Department of Labor has written a rule that is absolutely unacceptable. It does not at all bring all of the people concerned about this to the table and work help work out a reasonable rule. It has put all of the costs on the employer, and it is not just those who are terribly concerned about this, it is schools; the school districts are talking about being absolutely unable to comply because of the cost. Nursing homes, hospitals, States, cities, the League of Cities. We all know that is not some conservative organization. They are saying that this rule is written in a way that they simply could not, could not comply with this.
was prohibited from funding the implementation of the ergonomics rule during that fiscal year. In the accompanying report, however, the committee specifically stated, "The committee will refrain from any further restrictions with regard to the development, promulgation, issuance, or issuance of an ergonomics standard following fiscal year 1998."

So here we had in the 1998 bill language that basically said we would not move to restrict these kinds of guidelines for the future. There is a feeling there have been enough studies on the subject, Mr. Chairman, including a 1998 study by the Academy of Sciences, a critical review by the National Institute for Occupational Safety and Health, and over 2,000 scientific articles on ergonomics. It is a major problem and is causing severe problems for our constituents across the country.

In fact, Mr. Chairman, in August of 1999, the full House passed H. R. 14, which was the League of Women Voters as an amendment to the ergonomics rule until the National Academy of Sciences completed its study on the proposal. This bill basically precludes the need to take the action that is included in this appropriations measure.

In fact, the most interesting part of this whole debate, Mr. Chairman, is where this idea first originated for an ergonomics standard. It did not originate under Bill Clinton. An ergonomics standard was first proposed by Labor Secretary Libby Dole under the Bush administration. Granted, it may not be the standard we are looking at today, but the idea of moving toward an ergonomic standard is one based in the tradition of both parties.

For these reasons, Mr. Chairman, I stand in favor of this amendment. I ask my colleagues to look at it and support it in an effort to find support on this legislation to show the workers of America that we are going to do more than give lip service to the concerns related to carpal tunnel syndrome and other similar workplace problems associated with the problem of ergonomics.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not question the sincerity of any Member of this House, but it is well known that all the majority party leadership has been opposed to this amendment. I doubt that it is because they have experienced a recent Damascus conversion which now suddenly makes them passionate defenders of worker health and safety issues.

I think it might be legitimate to ask the question whether or not there are a number of Republican moderates in the House who are worried about having to cast a vote for this bill in the end because it cuts funding from the President's request by $3 billion, it cuts the President's request on health care by well over $1 billion, and it cuts support for worker protection and worker training programs by almost $2 billion.

So I think it is fair to ask whether of those moderates would not feel more comfortable if they had a little political cover by being able to vote for an amendment like this. Perhaps it might make it easier for some folks to vote for this bill if the workers voices are represented by voting for this bill on final passage with the deep cuts that it provides in programs that help workers.

I also find it interesting that this vote occurs just 2 weeks after the OSHA director, who is also against this amendment, went before the House to present the study on the proposal. This bill has been trying to develop a rule to protect workers from repetitive motion injury for over 10 years. For 5 of those years they have been blocked by the Congress of the United States. In my view, that has been a sometimes scurrilous action taken by this body.

I would note that at my insistence the committee was asked to report the following language in its report: "The committee chose to insert the language of the Northrup amendment, which abrogated the agreement that the committee had announced to the country and the House. Of course this amendment should pass. But I do not believe American workers are going to be fooled. I do not believe that a vote for this amendment, followed by a vote for this bill, will be seen by American workers as doing them any favors and I think it will be seen for exactly what it is."

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a defining moment and offers the opportunity for all of us in this body to actually show the American people whose side we are on.

There are many of us who came to this House to think of what to fight for what we believe is the driving engine of America's economy, the small business out there, providing 80 to 85 percent of all jobs in America; people who work hard, people who are fighting for raises, for better benefits for their jobs in their community, expanding the opportunity for jobs for people across the country.

I believe that is what we should be doing here every day we come to work, because America has risen to great heights historically because of private sector growth.

On the other side, we have OSHA bureaucrats and power-hungry union leaders who are trying desperately to implement an ergonomics rule that would put a noose around the neck of many employers in this country.

This is an issue quite frankly that many Members have been struggling with, trying to find the right language. It is rhetoric for Members of both sides of the aisle, when is the last time they had a town meeting and they had people stand up and say, my goodness, Congressman, we really need that ergonomics rule to be implemented as quickly as possible?

I happen to represent an area that is very independent-minded, not necessarily a Republican or Democrat district, and I have not had one piece of mail, not one phone call, not one question at a town meeting where someone said, please, we need this regulation at our workplace.

This is strictly driven by bureaucrats at OSHA, and driven by power-hungry union leaders who are desperate to get a greater grip on the private sector of this country.

On the side we are fighting for, we do have the small businesses and the community. We have small manufacturers, we have farmers, we have ranchers, we have hospitals, we have all of the folks out there who are working hard every day to make a living. It is mind-boggling to me that anyone could find even any ground on this issue at all.

There is no science, there is no medical research that has conclusively shown that this regulation is necessary. In spite of what a lot of people say, I do not believe they are going to say, believe it or not, the private sector is doing a lot to improve the work environment when it comes to dealing with repetitive stress injuries in the workplace.

There are many of us who come to this House to think of what to fight for what we believe is the driving engine of America's economy, the small business out there, providing 80 to 85 percent of all jobs in America; people who work hard, people who are fighting for raises, for better benefits for their jobs in their community, expanding the opportunity for jobs for people across the country.

I believe that is what we should be doing here every day we come to work, because America has risen to great heights historically because of private sector growth.

The Post Office is even against this. So if Members cannot find that they can identify with small business in America, if they cannot identify with the farmers and ranchers and the doctors and the hospitals, maybe they can identify with the Post Office, because they are against it, as well. Or maybe they can identify it with the former OSHA director, who is also against this regulation.
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I asked a question recently in a hearing about this issue to the director of OSHA, the head of OSHA, of how, because of the vagueness of the way the rule is written, how would an employer even know they are in compliance, because of the vagueness in the rule? That is the problem with one-size-fits-all rules. They are written for dance studios, bakeries, restaurants, and farms and ranches. We cannot possibly apply a single rule like that, where everyone can fit in a particular category and say, yes, we are in compliance.

The director of OSHA said, do not worry, we will let the employers know when they are in compliance, which means that this will give the Federal bureaucracy at OSHA a tremendous latitude in determining when employers are in compliance.

This has the ability, Mr. Chairman, all across the board in America, again, whether it is an auto parts store, a customs broker office, a doctors office, a restaurant, a small manufacturing company, the cost of mailing a letter, all of this is going to increase greatly in cost for consumers out there if this rule is implemented the way it has been written.

I would just strongly encourage all of my colleagues to look at whose side they are on on this issue. There is no gray. They are either on the side of the salt of the Earth economic engine that drives this country, the small business sector, or they are on the side of the power hungry union leaders who are trying to implement this.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that on this amendment, debate be limited to 30 additional minutes, to be divided 7 1⁄2 minutes to the gentleman from Pennsylvania (Mr. TRAFICANT), 7 1⁄2 minutes to the gentleman from Kentucky (Mrs. NORTHUP), 7 1⁄2 minutes to the gentleman from Wisconsin (Mr. OBEY), and 7 1⁄2 to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. TRAFICANT. Reserving the right to object, Mr. Chairman, I would ask, what was that? I did not hear that.

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

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would tell the gentleman, I asked unanimous consent that we limit further debate on this amendment to 30 minutes, to be divided four ways, 7 1⁄2 to the gentleman from Ohio (Mr. TRAFICANT), 7 1⁄2 to the gentleman from Kentucky (Mrs. NORTHUP), 7 1⁄2 to the gentleman from Wisconsin (Mr. OBEY), and 7 1⁄2 to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GEORGE MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, which would safeguard America’s working women and America’s working families. That is whose side we are on in this debate.

Mr. Chairman, this is a $60 billion national OSHA conspiracy involving 160,000 workers each year. Ergonomic health disorders afflict female occupations, including nursing aides, orderlies, attendants, registered nurses, cashiers, and maids.

Women suffer disproportionately. While ergonomic hazards produce 34 percent of all workplace injuries and illnesses, they cause nearly one-half of these among women. Although women comprise 46 percent of the workforce and 33 percent of the injured workers, women represent 63 percent of repetitive-motion syndrome injuries, including 69 percent of lost work time cases resulting from carpal tunnel syndrome.

Congress’ fight to protect workers’ health and safety has been a long one. In 1995, I won on the floor which we won in a Republican Congress, which we won almost unanimously support from the Democratic side, a few votes on the Republican side.

What this language in the legislation before us does, this is an obstruction to the implementation of that 1996 amendment. What the amendment of the gentlemen from Pennsylvania, Mr. Weldon and Mr. Traficant, would do is to strike that language. This is an ineffectiveness. I hope our colleagues will support the Department of Labor’s ergonomic standards and oppose all delaying amendments, including the language in this bill, and support Weldon-Traficant.

Mr. Chairman, the scientific evidence supports OSHA’s standard. The National Academy of Sciences, the National Institute of Occupational Health and Safety, the American Public Health Association, and many other scientific and public health organizations have already concluded that workplace risk factors contribute to health problems, and ergonomics programs reduce this risk. That is whose side we are on, the National Academy of Sciences.

The National Academy of Sciences 1998 study on ergonomics reported that risk factors at work cause musculoskeletal disorders and these are preventable. The National Institute of Occupational Safety and Health 1997 peer review analysis of more than 600 prior reported reliable evidence that job-relevant healthcare costs contribute to workplace injuries and illnesses.

Employer ergonomic programs are effective. Many very responsible businesses, large, medium, and small, in this country have decreased their recordable cases, their compensation costs because they have invested in ergonomic programs and they have recouped the costs of implementing their program. This evidence is available from companies across as diverse as Minnesota-based 3M with nearly 40,000 employees, to North Carolina’s Charleston Forge with only 150 workers.

OSHA’s ergonomic standard is sensible, limited in scope, and based on credible science. As I mentioned, 1997 and 1998 Congress specifically agreed not to delay OSHA from finalizing an ergonomic standard. This language in the bill before us today would violate these standards.

And as I said earlier, when women are disproportionately affected by ergonomic injuries, and I talked about their percentage in the workforce, and the disproportionate impact on women and days lost.

I do want to say, because the question was asked whose side are we on. We are on the side of America’s working families. We are on the side of the National Academy of Sciences. We are on the side of responsible business and small, and moderate-size businesses in our counties who have taken the initiative.

I stand here with the American Association of Occupational Health Nurses, the American College of Occupational and Environmental Medicine, the Prior to GOP Labor Secretaries, in support of OSHA’s effort to finalize its ergonomic standard.

Nearly 20 years ago, in April, 1979, OSHA hired its first ergonomist. Nearly a decade ago, the Secretary Elizabeth Dole said, by reducing repetitive motion injuries, we will increase both the safety and the productivity of America’s workforce.

Secretary Dole said, I have no higher priority than accomplishing just that. And so 10 years ago, Elizabeth Dole was right. Let us not wait another day to protect America’s working women, America’s working families.

Mr. Chairman, I urge a “yes” vote on this amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment offered by my colleague, the gentleman from Ohio (Mr. TRAFICANT), which will allow OSHA to rush forward with its flawed ergonomics rulemaking. I strongly support the provision in the underlying bill sponsored by my colleague, the gentleman from Kentucky (Mrs. NORTHUP), which prohibits OSHA from finalizing its risky ergonomics rule which is not based on good science.

For more than 2 years, the Committee on Education and the Workforce has expressed concerns to OSHA about the lack of a scientific basis for an ergonomic standard through hearings and through letters to the Department of Labor.

Last year, the House approved the bill, which would require OSHA to wait for the congressionally funded National Academy of Sciences study and ergonomics, a million dollar study I might mention. The Northup language ensures that OSHA will abide...
by the provisions of H.R. 987 passed by the House last year.

Despite the significant scientific and economic questions about ergonomics in the workplace, OSHA continues to plow ahead, and the result of this can only be an arbitrary, unfair, and expensive version of the scientific knowledge to get it right.

The health and safety of American workers is certainly a top priority of all Members of Congress. Nevertheless, it is important that Congress not stand idly by while a regulation is rushed through that is not based on sound science.

I would like to thank the gentlewoman from Kentucky (Mrs. NORTHUP) for recognizing the importance of Congress’ oversight role. The gentlewoman has genuine concern for the health and safety of workers. Despite loud and misguided opposition, she has had the fortitude to focus attention on the genuine and legitimate concerns with the ergonomics proposal.

Mr. Chairman, I would urge my colleagues to oppose this amendment and to support a 1-year freeze. If we really want to help workers, then we need the time to support a 1-year freeze. If we really want what you want, please, work with us to delay? Why do we want to do that? It will save American businesses billions. Science supports ergonomics. It is like OSHA’s contention that ergonomics opponents. We have had an 8-year ordeal of exhaustive scientific study that supports the science of ergonomics as, in fact, a way to protect workers and to save America’s businesses money.

For each year of delay, another 1.8 million U.S. workers experience a workplace-related musculoskeletal disorder. The Department of Labor estimates that the ergonomics rule would prevent about 300,000 injuries per year, save $9 billion in workers’ compensation and related costs, about one-third of general industry work sites should be covered by the rule, protecting 27 million workers.

Fewer than 30 percent of general industry employers currently have effective ergonomics programs, and it is probably because of the high-priced lawyers that have hired to keep this rule from being promulgated. About a third of the industries, or over 600,000 incidents, are serious enough to require time off from work and cost businesses $50 to $20 billion in workers’ compensation.

According to the Bureau of Labor Statistics, 34 percent of all lost-workday injuries are related to ergonomic injuries. When my colleague introduced this rider into the bill, it was said that this was a limitation and not a rider. I said at that time and I say, again, you can dress up a pig, you can put lipstick on it, you can call it Monique, but it is still a pig. This is a rider. This is a continued delaying tactic in this legislation. The National Academy of Sciences concluded in 1998 that ergonomic industries are directly related to work that higher on-the-job physical stress leads to more ergonomic injuries, that they have hired to keep this rule from being promulgated. About a third of the industries, or over 600,000 incidents, are serious enough to require time off from work and cost businesses $50 to $20 billion in workers’ compensation.

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Interventions that reduce physical stress on the job reduce the risk of injury.

Since the process was begun during the Bush administration, over 1,000 witnesses have testified, more than 7,000 written comments have been submitted. OSHA has included 1,400 studies in the ergonomics rulemaking record. Science supports ergonomics. It protects worker health in this country. It will save American businesses billions of dollars.

Why then do they want to continue to delay? Why do we want to do that? Let us support the amendment of the gentleman from Ohio (Mr. TRAFICANT). Let us move ahead with an ergonomics rule, so, in fact, what we can do is to do what we are sent here to do and not to do harm, but, in fact, to protect working men and women in this country.

Mr. BLUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are here again talking about this topic that has been pointed out by many of my colleagues, has been discussed many times in this Congress. In fact, last year, we had a debate on the floor of the House, not 1996, not 1997, not 1998, but in 1999, to wait until the study by the National Academy of Sciences that had just been started was completed until OSHA moved forward with this regulation.

The House passed that legislation and said that is what we would like to do. OSHA started that study, a year ago, at the time that this provision would be exhausted, that we get to the end of the fiscal year, that this provision would make it impossible for OSHA to implement these ergonomics regulations, that study will be completed, there will have been 90 days to look at it before you move forward with regulations, they would say it did. And, in fact, if you look at the last Congress effort on this may have been exhaustive, but if I have read it right, it was over a long weekend. And the last recommendation in that exhaustive National Academy of Sciences study was this needs more study. When we had hearings last year on the bill where we talked about waiting for the National Academy of Sciences study, the past two presidents of the American College of Hand Surgery, many others who work in this area came in and said we are not fully understand the causes or the treatments for these injuries.

At the same time, it has been pointed out by others of my colleagues that the American workforce as fully employed as it has been in a long time is a valued workforce, that we have seen without this regulation ergonomics-related injuries declining every single year during this time that it has been said that the Congress is stretching out rushing to get this standard.

It is like OSHA’s contention that every year that OSHA has been in existence that fatalities at the workplace have declined; that is true. It is also true that they were declining faster in the 20 years before OSHA went into existence. You can prove anything you want to with figures, but the one figure that is undeniable here is that workplace injuries are declining without these standards. These standards will benefit. From science, a study, this amendment added to the bill by the gentlewoman from Kentucky (Mrs. NORTHUP) would give us the time we need for these studies to be completed.
Mr. MILLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. CHAIRMAN. Mr. Chairman, what puzzles me a little bit about this objection to the provision that is in the appropriations bill before us today is that it ignores the work that States are doing on ergonomics.

My State of Washington has worked for sometime with employers and others in the State to develop ergonomic standards that are different than those that are part of the Federal standards or proposed to be the Federal standards.

So what this does is put employers and employees in a dilemma in States like Washington State concerned that they want to comply with the State standard but also concerned that they will have to comply with the Federal standard that may be different.

So I think we ought to be cautious in this whole effort to rush to judgment with respect to a Federal standard that will employ Federal employees to do Federal inspections that will put different burdens on people in States that are already facing the very real prospect of having State officials that the case of my State the Washington State Department of Labor and Industries also involved in inspections and oversight with respect to worker injuries.

It is a given, I think, Mr. Chairman, that all of us want to make sure that our workers are protected and that they are not injured in the workplace. That is not in the best interest of employees; it is not in the best interest of employers. But to have this duplicate standard and the idea that the Federal standard is the only standard that is valuable is wrong.

We do it, not only in OSHA, but we do it in other agencies as well where we have this sense that the Federal standard and the Federal Government is the only vehicle by which we can have fair and free and operating standards that affects citizens in our respective States.

So I would just say my colleagues, Mr. Chairman, that I respect the proponents of this amendment; but I think that it is not the right amendment. I am going to vote against it and support the bill as it came out of the full committee with the idea that let us let States take leads on this as well. In particular, take leads that are not going to burden onerously the employers and the employees of our respective States and our respected businesses who are working so hard to make this engine of our economy move forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in very strong support of this amendment. They have dragged out every phrase that is designed to scare the American people that the big Federal Government is rushing into promulgating this rule. Only to the Republicans would it be irresponsible to try to tell people who every day are getting crippled and losing compensation ability to support their families by a well thought-out rule.

Only the Republicans would think that it is critical to have a record that reviews the existing science. There is no new science in this report. This is a review of literature as mandated by this Congress. But year after year, they have tried to delay this rule; and they have been successful in doing so.

For those who say, well, we want our States to do it, what happens if one lives in a State that does not want to do it? I must say there is a lot of room for one's States to do whatever they want to do and a lot of room for one's employers to do whatever they want to do, because only 30 percent of the people working in general industry have any kind of effective program at all.

Our committee in the Subcommittee on Workforce Protection in Labor, Health and Human Services and Education, they were suggesting they really did not see this. This was not a real injury. This was a fiction. I guess they do not go to the supermarket and they do not see the checker who is wearing arm braces and wrist braces. They do not see the flight attendants who are wearing wrist braces. Maybe they do not go to Home Depot, an employer that has an ergonomics program and people are wearing back braces. They think that that is dressing up. That is not a cumberbund; that is a back brace. Why? Because they are insurers and they work together, and they made a determination that they could reduce back injuries.

Maybe the Republicans would recognize ergonomics injuries if we applied it to tennis and golf. Because certainly my colleagues have friends who are wearing arm braces on their left hand as they come through the ball and they have a arm injuries injury from their forearm smash. Maybe then my colleagues would recognize that as ergonomics.

But those people my colleagues see in the supermarket and the working place, on the construction site and the manufacturing areas, in the steel mills and the auto plants that are wearing those braces that is not for that reason. That is for the reason of repetitive motion.

It is not to be laughed at. It is not to be made fun of. It is not to put people in the place of if they will have a responsible employer, they have protection; if they have an irresponsible employer, they will not have protection.

The fact of the matter is that this rule is very well thought out. This rule is not one size fits all that is supposed to scare one away. It is not one size fits all. It is targeted where 60 percent of the injuries occur, of this kind of injury occur.

It has been vetted. Thousands and thousands of people have commented on it. Seven thousand people I guess have submitted written comments. A thousand written comments. OSHA went beyond the minimum requirements in terms of taking public testimony, and hearing witnesses went far beyond that. Yet, the gentlewoman from the other side would suggest to us that this is a rush. It is a hurray. There is no such thing.

This is a carefully thought-out rule designed to protect workers in the American workplace. It is a rule designed to save employers billions of dollars in worker compensation costs. It is designed to save employees millions of hours of lost time so they do not lose the wages that they use to support their families and provide for their families. That is what this rule is about.

But every year, the Republicans have been able to stop it. Every year, the Republicans have been able to keep it from going into effect. Many of our colleagues refer to the fact that it was Elizabeth Dole, George Bush's Secretary of Labor, that brought this issue to the forefront and started this process. But that was 10 years ago. In that 10 years' time, hundreds of thousands of Americans have suffered this injury and suffered the loss of work, the loss of opportunity, and the loss of the ability to provide for their families.

That is what is at stake here tonight. That is all that is at stake here tonight is whether or not people will go and make the workplace safer, on the construction site and the workplace or whether they will be put at the whims of the chicken factories and irresponsible businesses that use people up and then throw them away, people so badly crippled in their hands they can no longer do that job. We have seen that. It is time to get rid of it. That is what this rule does, and we should support the Traficant amendment.

Mr. BALLenger. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as chairman of the Subcommittee on Workforce Protection, I had firsthand knowledge of the
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blatant disrespect that OSHA has shown Congress in the regulatory process in implementing its proposed ergonomic standard. As the gentleman previously said, they took 8 years and they have not changed nothing, allowing for a 60-day comment period, but a 30-day extension for an analysis of a 1,200 page regulation. It is absurd. By limiting the total number of days allowed for comment on the proposed regulation to 90 days, OSHA simply told small business that their comments were not necessary.

In case my colleagues do not know, business decisions are made on the basis of cost, as the gentlewoman from Kentucky (Mrs. NORTHPUR) said. Injured employees cannot work. So it is up to the companies’ interest. It is in their interest to protect their physical health.

The law says one must have workman’s compensation. It is expensive. It is not free. So employers work to protect their businesses. They buy forklift lifts, they build conveyor, all without any government mandates.

OSHA says that the ergonomic standard will only cost $4 billion. That is a wild guess. Business says it could cost $80 billion for a single industry. Industry has two choices: automate the jobs out of existence or move the business out of the country.

We need some more accurate ideas as to what it will cost.

In October of 1998, Congress appropriated almost $1 million for a non-partisan study by the National Academy of Science, NAS, to focus on the relationship between repetitive task and repetitive stress injuries and the validity of ergonomics as a science.

On August 3 of last year, the House passed the Workplace and Preservation Act to prohibit OSHA from issuing a prepared or final rule on workplace ergonomics until after the NAS study is completed.

As we have seen, OSHA believes that it does not have to adhere to the will of Congress or the medical community in seeking to finalize the proposed rule by this fall. They have got a study going, but it is run by NIOSH, which is a division of OSHA. Nothing like examining oneself.

In conclusion, as currently written, the proposed ergonomics rule jeopardizes the jobs and welfare of both employers and employees. Pushing this inaccurate, unscientific proposal in such a short time period is both arrogant and reckless.

I urge my colleagues to reject the Traficant amendment and support the prohibitive language in this bill to stop OSHA from moving forward on an ergonomic standard.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I also want to oppose the overall bill. It is an anti-family bill overall. This amendment, if passed, would make it a little better but not good enough. This is an anti-working family’s bill which takes away very vital parts that are necessary to keep working families afloat.

The job-training section has been gutted. The school construction section on page 1,000 of the OSHA construction has been removed at a time when the public schools, only schools that working families can afford to attend, are being abandoned and in great need of repair.

The National Academy of Science, NAS, to focus on the workplace from normal circumstances that just occur as a consequence of the wear and tear of the aging process. It is also complicated by the fact that workplaces are very complex places, and they are also very dynamic places, with circumstances and conditions changing all the time.

The Labor Department’s approach to this problem has been a complicated
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set of rules that will literally micro-manage every workplace in America. These rules will dictate changes in virtually every office, every dental office, every restaurant, every doctor’s office, even those job locations where there is no evidence or any record of any kind of indication that there has been any threat of injury.

What concerns many of us is that OSHA’s approach to workplace safety has not worked. And it is generally not going to work, because if we take a one-size-fits-all set of safety rules and regulations and we try to apply it to these changing and complex workplaces, it does not produce the results that people expect. What these ergonomics rules do is they take what is a failed concept and they take it to its zenith. It will add dramatically to the cost of the operation of every small business in America, and it is going to fail to deliver on the promise of a safer workplace.

There is a better way to do this, and the better way to do this is to focus on outcomes, setting goals, working with employer groups to reduce these kinds of injuries, providing employers with the flexibility that they need to be able to address their specific workplace with solutions to the problem.

Now, how do we know that that is going to work? Because it is working. The safety rates in this country have increased dramatically in instances where employers and workers are given the flexibility to address workplace safety problems cooperatively. Injury rates of this kind are dropping. And that is because employers care about their employees. They are very concerned about their employees and they value them.

Government cannot create a safe workplace, Mr. Chairman. Employers working with employees in a flexible setting addressing the specific problems that they face and that these employees do. I would oppose this amendment. Suspending this rule is a good idea. We need better science, we need better solutions.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, I would like to respond briefly to the gentleman from Montana. We deal with many complex issues in this body, and I would daresay if simplicity were the focus for non-action then we really would not be debating anything around here.

And I would also like to respond to a second comment when the gentleman was talking about government cannot make workers safer. Having served on this subcommittee, and I am privileged to serve on the committee, government cannot make it better, most employees, most employers make the workplace better, but the government can encourage those employers, who are the very heart of the workplace as safe as they can, to make it safer.

I can remember very well the fire in the chicken factory when the employees locked the doors and 29 people died. So some employers, not most, may need an encouragement.

I just want to comment on this particular amendment, because I do feel, my colleagues, enough is enough. The science exists, we have heard of it over and over. This public notice has been gathered, the public comment has been heard and, frankly, our experience in our own offices confirm it. Each year more than 650,000 Americans suffer disorders caused by repetitive motion, heavy or wrong work practices that occur in the workplace. These disorders account for more than a third of all workplace injuries.

We have to try our best to prevent these injuries using simple collaborative steps where we can work together. These are serious health problems and OSHA should be able to go forward within its authority to work with employers and employees to prevent and relieve them. Let us prevent and relieve these injuries and save billions of dollars in health care and productivity costs. Let us live up to our obligation doing what we can to protect American workers.

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

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding to me.

I simply want to announce to the House that I am going to insert for the RECORD a letter from the American Federation of Labor, the AFL-CIO, in a letter dated June 8 to me. The letter says as follows:

The Traficant amendment is being offered against the wishes of the AFL-CIO. It is being done in a way that does not provide an appropriate opportunity to work on behalf of its passage. Further, it appears to be an effort on the part of some to provide cover and encourage management legislation that is blatant anti working family. We do not view this amendment as helpful to the effort to achieve final promulgation of an effective ergonomic standard. With or without this amendment, this legislation seriously harms the interests of American workers and we will continue to strongly oppose the passage of H.R. 4577.

I simply note that so that Members understand that even if they vote for this amendment that is not going to fool anyone who represents American workers into thinking that that has made this bill acceptable to the interests of working families because it clearly is not and will not be so.

Mr. Chairman, the letter I referred to above follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, June 8, 2000.

Hon. David Obey,

House of Representatives, Washington, DC.

Dear Congressman Obey,

Traficant Amendment is being opposed against the wishes of AFL-CIO. It is being done in a way that does not provide an appropriate opportunity to work on behalf of its passage. Further, it appears to be an effort on the part of some to provide cover and encourage management legislation that is blatant anti working family. We do not view this amendment as helpful to the effort to achieve final promulgation of an effective ergonomic standard. With or without this amendment, this legislation seriously harms the interests of American workers and we will continue to strongly oppose the passage of H.R. 4577.

Sincerely,

PEGGY TAYLOR,

Director, Department of Legislation.

Mrs. LOWEY. Reclaiming my time, Mr. Chairman, I would like to say, in conclusion, we as representatives of our community cannot solve all the problems, we cannot solve all the problems in the workplace, but we have a responsibility to do what we can, based on the science, to pass legislation that will make life a little better for workers who are working in many situations at a disadvantage to their health.

Mrs. J. Johnson of Connecticut. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise in opposition to the Traficant amendment. First of all, let me put in the RECORD that I am very proud that Elizabeth Dole initiated this national debate and that our fellow colleague, other than when she was Secretary of Labor, moved it forward. And I daresay that if either of them were Secretary of Labor now we would not be here tonight.

We are here because the proposed regulations issued by the Department of Labor are so unfair to workers. It is unfair to workers to have the Federal Government mandate a 90 percent compensation because an individual is injured as the result of ergonomics and a lower level of compensation if injured some other way. Do my colleagues realize what that is going to do in the long run to the sense of equity and fairness in labor law for working Americans?

We are here tonight because this sets up a really unfair system of compensation, for the first time ever people getting compensated differently depending on the origin of their injury. It also will interfere with the very mechanisms that in my district have been put in place. And, believe me, I have been in factory after factory over the last year. And if my colleagues have not been there and looked at how their factories are improving their safety records, then they cannot really understand how these regulations will prevent the very mechanisms that are creating an absolutely astounding reduction in workplace injuries.

Do my colleagues realize that occupational injury and illness rates are at their lowest level since the Bureau of Labor Statistics began recording this information in the 1970s? And, in fact, since 1992, injuries resulting in the loss of workdays have dropped 20 percent. In my district I can tell my colleagues why that is happening. It is because companies are paying a lot of attention about keeping their employees healthy.

In the factories in my district, teams of workers are out there looking at
Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, section 103 of the bill says “none of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate, issue, implement, administer or enforce any proposed temporary or final standard on ergonomic protection.”

Earlier in this debate, I rose and voted that well to the extent that was wrong with that section, and I joined my good friend, the gentleman from Wisconsin (Mr. Obey), in stating that I am opposed to this bill; but I am going to support this amendment. And the reason I am going to support this amendment is because in my district in Cleveland, when I go out and meet the people, as I do all the time and as many of us do in our own districts, I always study people. And when I go out to shake hands and hands reach out, I almost have to tell my constituents many times I would see over and over a scar on somebody’s wrist, mostly women I might add.

And my colleagues know what it is more often than not. Someone has had surgery to correct a condition. So we see a hand reach out; and if there is a scar on that wrist, more often than not, that person has had a repetitive motion injury, carpal tunnel syndrome.

Now, if we shake that hand of that person who had that injury and had surgery to correct the condition, we might consider the moral statement of joining hands with someone who has had that injury and then at the same time be willing to sweep aside any attempt to stop others from being able to be protected in the workplace.

Now, I know about one such person because it happened to be my Aunt Betty. She helped to raise most of the children in my family; of course, to businesses. I am simply speechless. Because if they are unfair, why are we continuing to have these injuries? We obviously need to solve the problem in some way, shape, or form or fashion.

I would argue that the ergonomics would prevent about 300,000 injuries per year and save $9 billion.

Mr. Chairman, I think it is important to note that about one-third of general industry work sites will be covered by the rule, protecting 27 million workers. Fewer than 30 percent of general industry employers currently have effective ergonomics programs.

This is a policy question that I hope this House does not find itself on the wrong side of the street. I would like us to err on the side of protecting 27 million workers and preventing the injuries of 300,000 of those who are injured.

Ergonomics are real. The injuries are real. The problem is real. I would ask that we support this amendment, at least to make the statement and to protect the workers as they work on a daily basis.

Mr. Chairman, I think that the question of ergonomic standards is an important policy decision that responds to a real need.

The need is real. I would ask that this House does not find itself on the wrong side of the street. I would like us to err on the side of protecting 27 million workers and preventing the injuries of 300,000 of those who are injured.

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cheats. I think most Americans who have a job want to work; they do not want to find a way out of work. I think most businesses who have well-trained workers want their people to stay on the job; they do not want to waste the human capital.

This is an issue about human beings and our dedication to them.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, Secretary of Labor Elizabeth Dole announced a major initiative to reduce repetitive motion trauma. She said she intended to begin the rule-making process immediately. She said Assistant Secretary of Labor Scanell shall begin an inspection program in early 1991.

My colleagues, this is 2000. I think 9 years is enough.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that 10 minutes of additional debate be allowed on this amendment. 2½ minutes allocated to the gentleman from Wisconsin (Mr. OBEY) and 5 minutes allocated to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. TRAFICANT. Mr. Chairman, reserving the right to object, I would like some time in the closing of this debate.

Mr. PORTER. Mr. Chairman, I ask the gentleman, how about 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT), 2½ minutes to the gentleman from Wisconsin (Mr. OBEY), 2½ minutes to me, and 2½ minutes to the gentlewoman from Kentucky (Mrs. NORTHUP)?

Mr. TRAFICANT. Mr. Chairman, I shall accept that.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for the opportunity to address this committee.

Mr. Chairman, I was sitting in my office listening to the discussion with regard to ergonomics. I rise in opposition to the legislation but in support of the amendment.

The reason I came over here is because I have a mother who turned 79 years old this year, and we were sitting at the table the other day and her right hand is like this; and her right hand is like this because she worked in a factory折叠 boxes for 20 years.

She ultimately retired from the factory from another injury, having fallen from a stool and busting her tailbone on the cement of that floor. But, ultimately, she is right now in the process of about, at 79, to have this hook of her hand repaired. And it comes from carpal tunnel syndrome.

I suggest to my colleagues the inability of the Department of Labor and the Secretary of Labor to promulgate rules hits me very close to home to my 79-year-old mother, Mary Tubbs. I would suggest that there are mothers across this country who are in the same condition as my mom, and I would say that we have the opportunity to address this terrible injury where people who have worked all of their lives end up being deformed as a result of ergonomics.

The gentlewoman from Connecticut (Mrs. JONES) just mentioned that the time that she struggled with it the most in her life and needed surgery on both hands was a result of the years of sewing and cooking. The fact is that whatever we are doing causes stress on certain joints if we use it over and over.

But the gentlewoman from Connecticut (Mrs. JONES) also made the point that, even in the workplace that OSHA used to consider this rule, they identified problem after problem where all the employees and the employer and OSHA, together with consultants, could not devise a strategy for addressing this particular problem that an employee had.

We do need a collaborative effort. We do need the authority of OSHA that has helped reduce workplace injuries. We need them to come to the table and help us to develop some best-thought-out strategies.

But as my colleagues on the other side of the aisle have stated, after 8 years and an amazing amount of money and pages in testimony, this bureaucracy has turned out a rule that did not take any of those things into consideration. They have been tone deaf to the people that have asked fair questions about what sort of solution really brings a remedy to their employees in the workplace.

Another one of the speakers said complexity is not an excuse for inaction. But I want to tell my colleagues what it does call for. Complexity calls for balance. And we have not seen any balance in this rule, none of it, that reflects the fair concerns of employers and employees in the workplace. Instead, it is so overbroad and it is extremely expensive.

And for those jobs that are offshore as a result, let me tell them what it does. It absorbs an enormous amount of money in the workplace. What does that mean? It means lower salaries for the people that are going to pay the price are the people that have to share what is left over after we meet this bureaucracy regulation.

Workers in America are not asking for lower costs. They are asking us not to drive up costs, not to drive up taxes, not to create big bureaucracies, and not to centralize more of the Federal Government but, instead, to help them and equip them to meet their needs.

OSHA ought to be a partner in that. They should not be an obstacle in it, and they should not drive up the costs and suck out of our economy money that could be in the hands of our workers.

This is not fair to our workers. It is not fair to those of us that are looking to OSHA to give us common sense regulation. It comes from a bureaucracy that created the home workplace regulation that were quickly withdrawn. That was not an accident, Mr. Speaker. That was not something that happened by a mistake or one person. That happened because we have an agency that is out of control, that is tone deaf, that will not listen, that does not understand the meaning of balance, and does not understand common sense regulation.

I believe, Mr. Chairman, that this party is the majority party today because in 1994, the American people said enough is enough and that we are not getting balance, we are getting huge bureaucracies that have promised us everything and delivering nothing.

Please defeat this amendment and send back to the American families what they are really asking for.

Mr. TRAFICANT. Mr. Chairman, I yield myself 1 minute.

I have heard arguments that protecting workers is showing jobs overseas. I would like to make issue with
that. I think our tax and trade policies are chasing American companies overseas. And here is how we are trying now to save a few jobs, on the backs of worker protection.

You show me a 60-year-old court reporter who does not have carpal tunnel problems. Show me one. Maybe they never came forward with it. It started in 1990 with Elizabeth Dole, God bless her. In 1991, her assistant secretary was going to begin the process. It is 2000. Most of those workers are now disabled, they cannot function. I believe it is unconscionable for this Congress to try and create jobs on the back of destroying workers’ rights.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the only repetitive motion injury that some Members of Congress are likely ever to endure will come from the routine genuflecting to special interests that so often goes on around here. We ought to have an exception to that general rule by passing this amendment tonight.

But if you vote for it, do not think you can come home and pretend to your workers that you are a friend of the working man and a friend of working families all over this country if you vote to pass this bill, because it will still be cutting education from the President’s request by over $3 billion, it will be cutting health care by more than $1 billion, it will be cutting worker protection and job training programs by almost $2 billion. That is not going to fool anybody.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of my time.

I do not know how you are going to vote on final passage. That is your business. But I do know one thing that I say to the chairman and ranking member, that votes set precedents. You vote to keep this language in and you certify this language will become the law of the land and it will never be changed. I am here talking about a precedent that says that, and I do not give a damn what the AFL-CIO says. Quite frankly they did not even support me. If my workers do not know a damn thing about AFL-CIO, they know this. Their parents and their grandparents have problems, and Congress has put off and put off and put off.

Let me say this to both parties. Elizabeth Dole started it 10 years ago. Congratulations, Republicans. Democrats. I do not know how you vote on final passage but tonight we set a precedent. What is that precedent going to be? Is that precedent going to be none of the funds may be used by OSHA to implement or enforce even temporary standards? Show the CIO letter right up your T-shirt. This amendment should be passed, and the Republicans should pass it with us.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are reminded of appropriate language. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 518, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Mr. PORTER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. Davis).

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to engage in a colloquy with my colleague from Illinois, the distinguished chairwoman of the subcommittee on the most important programs funded in this bill, the consolidated health centers program.

The gentleman from Illinois has been a tremendous supporter of health centers. I realize that talking to him about this issue is like preaching to the choir. Members on both sides of the aisle of his subcommittee have united to advance this program, true testaments of the integral role health centers play in the delivery of health care for this Nation. Under his leadership, the subcommittee approved an increase of $81 million to this program, bringing its overall budget to $1.1 billion.

While this commitment is a wonderful step in the right direction, it is my hope that the gentleman will continue to work throughout the process to increase funding for the program by a total of $150 million. Every day, community health centers provide critical services to the Nation’s most vulnerable populations. These services are especially important for those under the age of 19 and those belonging to minority groups. Health centers serve one million children. The number also includes one out of every five or 1.6 million low-income, uninsured children. With the current number of uninsured Americans growing in excess of 44 million, the demand for more health centers and more services continues to rise. In addition, health centers provide quality care to more than 7 million people belonging to minority groups.

As a former health center employee in the inner city of Chicago, I can attest that health centers provide a key solution to the health care crisis in America which continues to be one of the greatest challenges to our society. We must find a way to provide an additional $150 million to the health center program to help meet the challenges they face in providing care to our Nation’s most vulnerable populations, the poor, the uninsured, the underinsured and those with nowhere else to turn for health care services.

Mr. Chairman, when it comes to the health care of our Nation, it remains divided. It is divided along the lines of those with access and those without. Health centers continue to bridge that divide and contribute to a healthier and more productive America.

Mr. Chairman, I appreciate the gentleman’s commitment to this program and hope that he will continue to work throughout the legislative process to ensure the health center program is provided an additional $150 million in the final bill.

Mr. PORTER. I thank the gentleman for his very kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since 1995, we have increased this program by $365.5 million, or 50 percent. We recognize that in too many cases, health centers provide the only access individuals have to our health care system.

Obviously the health centers program within appropriated funds cannot solve the overall access problem. Nevertheless, in the absence of progress on access, we will do our best through the remainder of the process and within fiscal restraints to reach the $150 million increase. I will be pleased to work with the gentleman from Illinois to reach that goal.

Mr. DAVIS of Illinois. The gentleman has truly been a champion for these programs. He will be sorely missed, and his leadership will be missed when he is gone.

AMENDMENT OFFERED BY Mr. TRAFICANT

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

The Clerk reads as follows: Amendment offered by Mr. TRAFICANT: On page 19, after line 19, insert the following new section:

MINIMUM WAGE

SEC. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 26(a)(1)) is amended to read as follows:

“(A) $5.15 an hour beginning September 1, 1997,

(B) $5.65 an hour during the year beginning April 1, 2000, and

(C) $5.15 an hour beginning April 1, 2001.”

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman’s amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order. Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be offered at the end of the bill.

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

Mr. PORTER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. Mr. OBEY. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. TRAFICANT. Mr. Chairman, I think everybody is going to object to this amendment.
June 8, 2000

CONGRESSIONAL RECORD—HOUSE

H4105

This is one of 13 bills that will ultimately become law. Many of the things the Republicans have in the bill are not going to be in this final bill. There will be precedents set in this bill and there should be an opportunity to carve out opportunity in this bill. This amendment, if adopted, the amendment that was passed to H.R. 3846, March 9 of this year. It passed 246-179. What is the shell game? Is it tied up in politics with the tax cut and now it is tied up with legislating on an appropriations bill?

The Traficant amendment simply says there shall be an increase in the minimum wage, $1 over 2 years. The original language was $1 over 3 years. The House has already spoken its will on this. It has not been signed into law, and it is being tied up with the tax cut. But it should not be tied up in a measure like this. I want to compliment the gentleman. He is one of the first chairman to bring a bill out because these bills are continuing resolutions because both parties are playing politics with it and it is an election.

I want a minimum wage increase. Tell me how else we can get it, and I would be glad to support it. But if the labor appropriations bill is not in the place for a minimum wage increase, God save America. Let me say this. The appropriators should have done this. The appropriators should have done this. The appropriators should have done this. I am disappointed the Democrat Party did not bang away on this issue. There are more concerns about the AFL-CIO and election-year politics. Quite frankly, battle it out, folks. But I think the $1 over 2 years is going to be in this final bill. There will be parts of this bill we cannot support. But I think if there are parts of this bill we cannot support, that sends it to conference, and maybe we can come out with a compromise. I have seen it before, including the White House. I thought that was the reason for bringing this bill out, is a dead-bang veto in the first place.

So having stated that, I would hope that the chairman would reconsider his position, vote with me and allow the gentleman from Connecticut (Mr. SHAYS) to stand up in support of it as well. With that, I would request of the Chair that if there is an objection, that I be permitted the opportunity to contest that objection.

POINT OF ORDER

Mr. PORTER. Mr. Chairman, I make a point of order against the amendment to a general appropriation bill being offered to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: an amendment to a general appropriation bill is in order, save for the possible precedents of an unusual situation. Although it is not existing law, the amendment directly amends existing law. I ask for a ruling from the Chair. The CHAIRMAN. The gentleman makes a point of order against the amendment. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. TRAFICANT. Yes, Mr. Chairman. I do. I believe the gentleman’s argument is in order, save for the possible precedents of an unusual situation. Although it is not existing law, the authorizing committee of this body being the body of the full House, has already voted on the issue and spoken on the issue. That should make it subject to a parliamentary ruling that is quite different from an individual bringing out of the blue a minimum-wage increase with no prior authorizing foundation.

Mr. Chairman, we do not here make decisions for the other body. We can only make those decisions for ourselves. We have already made that decision. The House has technically authorized, if you will, and placed in motion the authorization of a minimum-wage increase. It does not believe we are striking new territory, and if such a precedent is needed, then maybe a precedent should be voted on.

Now, I do not want to challenge the ruling of the Chair, and I fully respect the ruling of the Chair; but I want a minimum wage increase in this bill, and I am going to give it that shot. My final argument is this: when the House votes and authorizes, it is not a fact that one cannot have anything other than that authorization by law in an appropriations bill. I believe if the appropriators put the Traficant language passed in H.R. 3846 in this bill, it could not have been stricken. So the appropriators now made a decision, relative to the full House, and I do not believe the appropriators should have control over the decisions of the full House. Thus, I believe, that precedent should be set, and the parliamentarians should rule, because the House has already spoken its will in a previous rule. At the authorization language of the House, the full House, into the appropriation bill. The authorization bill has not been passed by the other body; the appropriation bill has not been passed by the other body. Thus this bill is wide open for this amendment.

Now, before the Chairman reads the bad news, I want to say this again. The other body has not voted on the authorizing package; but the other body has not voted on the other body. Thus this bill is wide open for this appropriation bill. Since there is no objection from the other body, and this full House has authorized that provision, that should make a precedent and allow it to be included as an amendment to be voted on the floor, and it should not be prohibited from being heard in this appropriations cycle.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Ohio (Mr. TRAFICANT) directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

Mr. TRAFICANT. Mr. Chairman, I move to appeal the ruling of the Chair. The CHAIRMAN. The question is, shall the decision of the Chair stand as the judgment of the Committee? The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. On that, Mr. Chairman, I demand a recorded vote; and pending that, I make a point of order that a quorum is not present.

Mr. Chairman, I ask unanimous consent that the vote be held over until tomorrow, if it poses a hardship on Members.

Mr. OBEY. Mr. Chairman, I object. The CHAIRMAN. That unanimous consent is not in order in the Committee of the Whole.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to withdraw my amendment tonight and to be allowed to appeal the Chair tomorrow on the issue.

Mr. OBEY. Mr. Chairman, I object. The CHAIRMAN. That unanimous consent is not in order. The gentleman could offer his amendment again when the Committee resumes its sitting if that is his choice, perhaps at a different place in the bill.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that I be allowed to offer my amendment tomorrow and that it be limited to a total of 10 minutes debate, 5 minutes divided, by both parties, an opponent, and myself as the proponent.

Mr. Chairman. When the Committee of the Whole resumes its sitting, the gentleman could reoffer his amendment.
Mr. TRAFCIANT. I thank the Chair.

The CHAIRMAN. Does the gentleman withdraw his appeal at this time?

Mr. TRAFCIANT. Mr. Chairman, pending the fact that when we return to the bill, I will be able to, in fact, offer my amendment.

The CHAIRMAN. The gentleman has that option under the rule when the Committee resumes its sitting.

Mr. TRAFCIANT. Mr. Chairman, I withdraw the appeal of the ruling of the Chair.

The CHAIRMAN. The appeal is withdrawn. The point of order is sustained.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 4577, despite my concerns about the funding of certain critical programs.

I commend the gentleman from Illinois (Mr. PORTER) for his commitment and dedication to seniors and to this body during his 11 years of service. The chairman has lead the bipartisan effort to increase funding for the National Institutes of Health and so many other valuable, worthy, and important programs. He has been a champion of increased biomedical research and has tirelessly worked to ensure that no child is left behind in our educational system.

I am particularly concerned about the Older Americans Act and, specifically, the congregate meal program funded under the act. I was disappointed, but not surprised, to learn that the congregate meal program was once again flat funded, at the President’s requested amount, marking the fourth consecutive fiscal year without an increase.

Because the congregate meal program is unauthorized under H.R. 4577, given the failure of this body to reauthorize the Older American Act, I am unable to introduce an amendment to increase the earmark for the program included in the report language.

Mr. Chairman, funding for the congregate meal program has not kept pace with inflation, increasing only $20 million over the past 10 years. In 1999 dollars, funding for the program has actually decreased by $93 million over 10 years.

Congregate meal programs serve the nutrition and social needs of seniors and elderly centers, community centers, schools and adult day care centers across the country. Many sites provide a variety of social services in addition to meals, including education, health screening, and social activities which enrich the lives of seniors.

Mr. Chairman, this body has a responsibility to ensure that the program is funded adequately. A 1996 evaluation confirmed the senior nutrition program is an important part of ensuring our seniors are healthy. According to the evaluation, participants in the program are among our most vulnerable population. They are older, poorer, and more likely to be members of minority groups compared to the total elderly population. The evaluation also indicated that for every Federal dollar spent in congregate meals, other funding sources contributed $1.70.

The Federal Government must uphold its end of the bargain by recognizing the changing buying power of the dollar and increase funding for the congregate meal program accordingly.

I became deeply involved in this issue last November when I became aware that the Agency on Aging in my district began cutting back the congregate meal program after exhausting their reserve funds. In the face of a potential crisis, the State of Connecticut and local governments agreed to make up the financial shortfall for this fiscal year.

The additional funds will allow the agency to temporarily overcome the financial shortfall and enable providers to serve the same number of meals this year as were served in 1999. While this financial contribution is significant and speaks volumes about the importance of the congregate meal program to seniors in Connecticut, it does nothing to prevent a similar funding shortfall from occurring next year and the year after that.

Mr. Chairman, I would conclude by thanking this body for providing me the opportunity to provide my colleagues with my thoughts on this issue of great importance to my district.

It is my hope that the appropriators will work in conference to increase the earmark for congregate meal funding, above the President’s requested level, in order to guarantee that seniors have access to the meals they need.

Mr. Chairman, I am prepared to vote this bill out. I believe that the gentleman from Illinois (Mr. PORTER) will be able to make it a better bill in conference. I know he has limited resources and is prepared and ready to help him in any way I can.

The CHAIRMAN. Are there further amendments to this portion of the bill?

If not, the Clerk will read. The Clerk reads as follows:

This title may be cited as the “Department of Labor Appropriations Act, 2001”.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.
wife this year which he was prevented from last year.

Mr. OBEY. If the gentleman will yield, that will be tomorrow. Mr. YOUNG of Florida. I understand it is tomorrow. I just in case something happens between now and then.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

2003

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The result of the vote was announced as above recorded.

Not voting—12

Matt Gonzalez
John Streets
Ray Hinson
Ron Paul
Jim Leach
Ben Cardin
Tom Harkin
Jim Cooper
Bill McCollum
Lawrence McDonald
Byron Dorgan
Jim Costa

MESSRS. SOUDER, DUNCAN, BRADY of Texas and MORAN of Kansas changed their vote from "aye" to "no."

Mr. DAVIS of Florida and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected. The result of the vote was announced as above recorded.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLETCHER) having assumed the Chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

CONGRESSIONAL RECORD—HOUSE
STREET TO DR. UZELAC

(Mr. OSE asked and was given per-
mission to address the House for 1
minute and to revise and extend his re-
marks.)

Mr. OSE. Mr. Speaker, I rise today to
pay tribute to Dr. Uzelac who is retir-
ing today as the principal of my alma mater, Rio Americano High
School for the past 15 years and has
worked in education for the past 38
years.

Dr. Uzelac’s roles and accomplish-
ments are many. Let me highlight just a
few. Not only was he an elementary
school vice principal and principal, but
he was also a junior high school teacher
and principal as well as a high
school principal.

His accomplishments are many, and
they include playing an instrumental
role in Rio Americano becoming a Na-
tional Blue Ribbon School as well as a
time California distinguished
school. Dr. Uzelac was the admin-
istrator of the year in 1983. He has been
recognized by many, including the gen-
tleman from California (Mr. MATSUI),
former State Senator Leroy Greene,
current State Senator Patrick J Johnson
for his tremendous leadership in edu-
cation back in February of 1996. He has
received the Honorary Service Award
as the administrator of the year from
the San Juan Parent and Teachers As-
sociation in April of 1996. During his
tenure of acting principal, Rio
Americano High School was the winner
of Redbook’s American Best Schools
award. That was in April of 1996.

Dr. Uzelac and his wife Virginia will
be spending more time with their three
children and grandchildren at their
home in Capitola, California. His de-
voted service epitomizes selflessness
and devotion. He will be truly missed,
and I applaud him for his willingness
to better the lives of our youth. Godspeed
to Dr. Uzelac.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLETCHER). Under the Speaker’s an-
ounced policy of January 6, 1999, and under a previous order of
the House, the following Members will be recog-
nized for 5 minutes each.

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from Illinois (Mr. DAVIS) is rec-
ognized for 5 minutes.

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from Michigan (Mr. FOLEY) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
woman from Connecticut (Mrs. JOHN-
son) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
woman from Connecticut 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 gentle-
man from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
man from New Hampshire (Mr. SUNUNU) is recognized for 5 minutes.

The SPEAKER pro tempore. Under a
previous order of the House, the gentle-
man from California (Mr. SHERMAN) is recognized for 5 minutes.

DISADVANTAGES OF ESTATE TAX
REEPEAL BILL

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous
order of the House, the gentleman from
California (Mr. SHERMAN) is recog-
nized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, last
night, I spoke for 5 minutes to try to
list the disadvantages of the estate tax
repeal bill that we will deal with to-
morrow. Unfortunately, 5 minutes, or
perhaps not even an hour, is sufficient
to list all those disadvantages.

First, let us put this bill in context.
Once it is fully phased in, it will cost
this country $50 billion a year. All of
that tax relief will go to the richest 1
percent to 1½ percent of American
families. Basically all of the tax relief
goes to those with assets of $10 million
and more.

Mr. Speaker, this bill provides $50
billion of tax relief basically for fami-
lies with assets of more than $10 mil-
ion and provides not a penny of tax re-
lief for people who make $10 an hour.

Mr. Speaker, we tried to add an
amendment to this bill that would say that its provisions
would become applicable only upon certification, that the debt
will be paid off by 2013, and that Medi-
care and Social Security will remain
solvent.

The supporters of this bill on the
Committee on Rules refused to even
allow the House to debate that Sher-
man-Stenholm amendment. So we have
before us a bill that makes no attempt
at all to provide tax relief for working
American families.

It costs us $50 billion whether or not
that drives Social Security and Medi-
care into the red or not. But the dis-
advantages continue.

Mr. Speaker, this bill will dramati-
cally cut charitable giving. Now, I am
not talking about charitable giving
when somebody puts $5 or $10 in a col-
lection plate. But if one goes to any
college campus or major hospital in
this country and this is the buildings
named after the multimillion-dollar
donors, those are the donors who have
consulted with their estate planning
lawyers before they made that gift.
Those are donors who decided to give only knowing that they would save 50 to 75 cents out of every dollar on their taxes for what they gave to the universities.

Those universities, not getting those charitable contributions will come to this House and ask us for money; and we will say, sorry, we cut Federal revenues by $50 billion in the estate tax bill. We cannot help you.

Mr. Speaker, when one goes to the universities, one will find, if you look at the future, the buildings will not have names, because the charitable contributions justifying naming a building after someone will not be made.

Mr. Speaker, this bill, however, actually increases taxes on one group of people: widows and widowers. It takes away from them most of the step-up in basis which reduces income taxes on the sale of assets that they acquire from their deceased spouse. So while providing $50 billion of tax cuts, it increases taxes on widows and widowers.

The bill is supposed to make it easier for family businesses to stay in the family; yet not a single statistic has been put forward as to how much the estate tax is driving families who choose to sell their businesses nor whether it is better for the economy to sell businesses to those who really want to be in that business rather than those who inherit them.

Finally, Mr. Speaker, this bill is certain to be vetoed. So it is a show of where we stand in terms of our values; but mostly, it is delay. Because if instead this House worked together, we could provide reasonable estate tax relief for upper middle-class families who are currently caught either paying the tax or caught having to draw long estate planning documents bypass trusts, extra tax returns every year for widows and widowers, all in an effort to escape a tax that was never designed to be applied to them anyway.

So I have introduced a bill that would say that, if someone inherits assets, they also inherit the unified credit. So that every husband and wife could pass to their children $2 million in assets without paying a single penny of estate tax and without having to deal with bypass trusts, Form 1041 special income tax returns, and all of the complication the present law afflicts them with.

Mr. Speaker, there are 50 billion reasons to vote against the bill that we will consider tomorrow.

NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 1999, the gentleman from Colorado (Mr. MciNNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MciNNIS. Mr. Speaker, once again we are here for a nightside chat. It is very interesting. I just had the opportunity to hear the gentleman from California (Mr. SHERMAN) speak about the death tax. What I was surprised about is he actually got some applause as he concluded his remarks.

I want to talk about his remarks on the death tax. This is a supporter of the death tax in this country. I want to give him his due, which is to point out the negative impacts that this tax called the death tax has on our country.

I want to point out very clearly, Mr. Speaker, that the current administration, the one that has proposed not to cut the estate tax but, in fact, in the administration budget, and I would urge my colleagues from the State of California to look in the administration’s budget, and they will find out that there is no freeze on the death tax; that, in fact, the administration proposes a $9.5 billion increase in the death tax. I say come on to my colleagues from the Democratic side who are supporting this death tax. Be straightforward. Be up front. Talk about that in the budget. Talk about the administration policy.

They want to increase the death tax on the American people. They do not want to freeze it. They do not want to cut it. Let us talk about facts here this evening. Let us address it.

Today, very interesting, I read the Wall Street Journal. I tell my colleagues, I am an avid reader of the Wall Street Journal. I think they have excellent articles. I also read articles written, and I have it here to my left taped on this platform, an article by Albert R. Hunt. I thought this evening would be a good opportunity for us to go over a few points made in his article, because I think his article is full of inaccuracies.

I am afraid that the gentleman, Mr. Hunt, who wrote this article has not been to rural America. I am afraid that he simplifies, is even disingenuous in his comments towards those of us in rural America who are impacted by death taxes.

Now, before we start our conversation, Mr. Speaker, let us just remind ourselves what are the death taxes. Death taxes are a tax imposed upon one’s estate, actually upon one’s death. One has about 9 months to pay them. They are taxes, in many cases, on property that one already has paid taxes upon. In other words, during one’s lifetime, for example, a rancher, a farmer, a small business, one begins to work the American dream, who understands someone who has succeeded in the American dream, who understands what that impact is, and, number one, what that impact is, and, number two, what is important is the principle. Where is the justification for going to somebody who has succeeded in the American dream, who started out with nothing, and probably most important, and, again, I wish the gentleman from California (Mr. SHERMAN) were here on the floor, how it impacted, not only the estate, but how it impacted the family’s estate and saying to them, hey, we are Uncle Sam, and we have not had enough. We want to tax you just a little more. By the way, a little more could go clear up to 55 percent of your estate.

I am going to give my colleagues a specific example here a little later on of how it impacted, not only the estate, but how it impacted the family of a successful individual who recognized the American dream, who started out with nothing, and probably most important, and, again, I wish the gentleman from California (Mr. SHERMAN) were here on the floor, how it impacted the entire community.

My colleagues want to talk about charitable giving to churches, well, stay tuned for my example of what happens when the Government comes in and taxes property that has already been taxed, in many cases not only once, twice, or three times.

Let me turn now for a moment to this article by Mr. Hunt. Let us kind of go through the article. Of course, in the first paragraph Mr. Hunt compares what the House Republicans are doing. I am glad that he has made it very clear that, in fact, it is the Republicans who have taken the lead on eliminating this tax, the death tax. Ironically, in the last couple of days, the Democratic leadership has jumped up and all of a sudden exhibited a great deal of interest in also trying to get rid of the death tax. One of the apparently some of the troops have been directed to come out here and talk about how abusive it is. And, of course, Mr. Hunt plays right into their hands.
Let us go over this article, Mr. Hunt. “House Republicans, with the help of some accommodating Democrats,” as if it is wrong for a Democrat to support doing away with the death tax, “wants to give $50 billion to Steve Forbes and Bill Gates;” Mr. Hunt says, Mr. Hunt is going to talk about the Steve Forbes and the Bill Gates kind of people. How interesting in that paragraph he does not talk about the ranchers, he does not talk about the open space matters, he does not talk about the small businesses. Mr. Hunt does not talk about the American dream. All Mr. Hunt talks about is $50 billion.

We are getting this money from a tax that, in my opinion, is not justified, a tax that is the most punitive tax we have in our system, punitive meaning punishing tax. It is there for one purpose, it is there as a shot based on a person’s wealth. It is there penalizing someone who has become successful. That is the only reason that tax is in place. That’s the concept that is expressed in this article, is not whether or not it is justified in principle, Mr. Hunt’s point is that we are losing $50 billion. So whether it is right or not, we cannot afford to lose the $50 billion. How that Mr. Hunt says, with regard to this estate tax, “these arguments are Trojan horses. The pressure for repeal comes from wealthy campaign contributors rather than the average voters.”

Mr. Hunt needs to come with myself or some of my colleagues out to rural small town America and talk about what this estate tax does here. It is a $9.5 billion increase on the death tax.

Let us go a little further. I just mentioned that Bush advocates the repeal of the death tax. The article does not mention that the administration proposes this year to increase the death tax by $9.5 billion. Is that fair? What were we hoping for, until George Bush takes office, which I hope to see. I mention this is because George W. Bush has committed to eliminating the death tax, but until that happens, I was in hopes at least the Democratic leadership would stay neutral on this estate tax. It was too much to expect the Democratic administration would actually support us in a reduction of the estate tax, but they caught me off guard because I did not expect the Democratic administration to propose this year in the administration’s budget a $9.5 billion increase on the death tax.

Let us go a little further. I just mentioned that Bush advocates the repeal of the death tax. Here they talk about diminished support for churches. If we do not tax the rich people, so-called, as they quote it, if we do not tax the rich people in this country the churches are going to suffer. Now, boy, is that an example. The churches are going to suffer. I am going to give an example from my in-laws. They show my colleagues how the estate tax made a church suffer; how an entire community in small town America suffered. Not Bill Gates’ community, not Steve Forbes’ community. And, by the way, he names two Republicans. Let us talk about some Democrats. Not the Kennedys, none of these big families’ communities, but small town America. Let us talk about small town America tonight and what this estate tax does to small town America.

It is interesting that the gentleman who spoke said that this bill is wrong because it does not give tax relief to working families. That is what the gentleman from California just told all of us, my colleagues, that this bill to reduce the estate tax does not give a tax break to working families. In other words, the gentleman’s assumption, as he spoke, and I am not sure if it was his intent, but as the gentleman spoke of individual, individual happened to accumulate more than $675,000 either in a small business or some lands or some other type of success, that individual apparently is not a working member of our society; that he does not have the expertise to minimize the tax. The people that do not have that kind of money are people like me and the American dream, I am sure they never thought it would be the government; that upon their death they would have a new tax called the death tax.

And let me tell my colleagues, the purpose, the real reason the death tax was put in place was jealousy. It was put in as a punitive measure against the wealthy tycoons of the early 1900s, the Carnegies, the Rockefellers, and people like that. Our forefathers never envisioned, when they drafted our constitution, they never envisioned when they settled this country that the government would, upon a person’s death, punish that person’s family by taking the valuable assets that had been accumulated, whether or not they amounted to a whole bunch. Let us go a little further in this article and talk about what it does here. It talks about, well, the Democrats, the top Democrat tax writer, for example, will offer an alternative that will lower rates, and somehow this is the magical thing. Let me say, before we talk about lowering rates, let us talk about the issue of whether or not this tax is justified. If we have a tax in place and we come to the conclusion that the tax is not fair, we should not care about whether or not it is producing revenue, we should care about is it fair to the people that we represent.

This country is a country based on the principle of fairness, based on justice, and is it just and is it fair to impose a tax on the American people even on those only 1 percent of the American people: a tax that serves as a punishment and not as a legitimate taxing purpose? That is exactly what we have with the death tax.

Now, I refer earlier in my comments about giving an example of the American dream and how the American dream was crushed. It is not about a Bill Gates, it is not about a Kennedy, it is not about a Steve Forbes, it is not about any wealthy family in America. It is about a small town America. It is about a small town in the State of Colorado. It is about a small town that has churches and schools. It is a small town that has a lot of community
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unity in it. Let me tell my colleagues what happened in that small town.

A young man, many, many years ago, came to this small town in Colorado with big dreams. He started working in a construction company with a shovel in his hand. That is what he thought smartness was. Joe went out and he dug ditches. He worked 10 hours a day, 12 hours a day, 14 hours a day, because all he wanted was to gain a little foothold on the American dream. He wanted to go out and have the opportunity, if he worked hard, if he thought smart, to be successful for himself and for his family. That, after all, is how he was brought up. Those were the principles of America: Go out and enjoy capitalism, go out and enjoy the American free enterprise.

So that is what Joe did. He started in this small community digging ditches. Pretty soon he got promoted to be the bookkeeper of this construction company, and later on, several years later, he had an opportunity, on an installment basis, making payments out of his check every month, at the same time trying to support his young family, to buy into the business. Now, colleagues, he did not inherit any money. He did not come this with a bag full of money. He came into it with a bag full of energy, with a bag full of dedication, with the American dream that maybe he could own a part of this construction company.

Now, Joe's family, his wife and his two boys, although his boys were very, very young at the time, they shared in the sacrifice. They did not get the extra privileges of life, because papa was out there taking every penny he could to make his payment to have a little shot at ownership of the construction company.

Well, that ownership began to pay off after years. And during those years that the amount of money coming back from the construction company began to grow, they invested it in the construction company, in other words, the profits from his investment, he paid his taxes. Never once in his life did Joe evade taxes. Never once in his life did the government have to come to Joe and tell him that he had not paid his taxes; that he had tried to cheat the American people; that he was not carrying his fair share because he was trying to get out of his taxes. It never happened once with Joe.

Joe is one of the most patriotic men I ever met. And so as he began to make profits, the first thing he did was pay his taxes. How do you know what he did? He took money, and he put it back into the business. The more money he put back into the business, the more people in this small community he gave jobs to.

The more money he put back into the business, the more people in this small community he gave jobs to. The more money he took home he put in the local bank. And the money that he put in the local bank grew the bank, and pretty soon the bank was able to make more loans to people with the American dream in this small town of Colorado. This money was circulating in the community. It was not transferred to the Government in Washington, DC, except for the legitimate taxes.

So what did Joe do? And I hope my colleague from the State of California is listening to this. He supported the local church. In fact, at the time of his death, he supported the local church to the extent of about 70 percent.

Mr. Speaker, let me recap where we are.

Joe goes to the small community in Colorado. He does not have any money. He did not inherit. He is not wealthy, he and his wife both. At that point in time, the role was she was to assume the role of being a homemaker. She worked as hard as he did. She took care of the kids, who are two young boys. He worked 10 to 14 hours every day of the week, started in a ditch with a shovel, to try and make good to try and accomplish the American dream.

And as often happens in America, if you work hard, you are rewarded. That is what happened to this gentleman. Joe began to become rewarded. The first person that got their hands on the money that he made was the Government. And it was fair. Joe, as long as I knew him, never complained about the taxes. He felt that he needed to give a fair share to the Government for the roads and for the military and for our national issues. So he paid his taxes....

As I mentioned before, he was never late on taxes. He never avoided taxes. He was never cited by the Government for cheating on the taxes. He paid his taxes. And then he took the other money that he made and he put it back in the small company. This was the construction company which employed a few people. Pretty soon it employed a few more people, and pretty soon those people were able to come home to their family. And pretty soon those people were able to save for their dream and their life because Joe was able to employ them. It created jobs in our community.

The gentleman from California that spoke here earlier, the Democrat, believes that the way to create jobs is to create them in Washington, DC. I am telling you, this death tax, that is exactly what it does. It transfers wealth from one community like ours or from any community. And where does that money go? When the Government charges a death tax, do you think that money stays in the community? Of course it does not.

That money is immediately, within 9 months, has to be transferred to your State for their estate death tax or, more importantly, to Washington, DC; and then Washington, DC, redistribute it in this community for jobs in Washington, DC. It does not help our little communities like there in Colorado. And it did not help Joe.

But Joe kept working, and he accumulated more and more ownership of the construction company until one day he was able to buy his own construction company after years and years of making payments. And so Joe ran that construction company, and he provided the majority of support for the local church of which he was a member. He supported pretty freely from a contribution point of view. He gave the largest contributions to almost every charity drive in that community. When somebody in that community got sick, when somebody in that community needed help, they went to Joe for help and Joe helped them.

Now, I say Joe. I should also add, in fairness, Joe and his wife. Because, with all due credit, his wife worked just as hard as Joe did. So I should include both of those parties. So Joe and his wife, you could always go to them and they would always help out in their local community.

So what happened? Joe and his wife worked very, very hard to educate their children. Then Joe's wife takes ill. She does not come to a hospital in Washington, DC. By the way, his kids were not educated in Washington, DC. They were able to be sent to a State school. But Joe's wife becomes sick. She becomes ill. She dies of cancer.

So Joe decides that he is going to sell the company. So Joe sells the company. And he immediately pays a capital gains tax, pays a capital gains tax on the sale of the company. Joe never complained about that. He made capital gains on that company.

In other words, capital gains is you buy the company at this price, and you sell it at that price. That profit is called a capital gain. That is a legitimate gain upon which to charge tax. And that is exactly what they did. He did not complain about it. He paid a tax in excess of 28 percent on the profit he made from the construction company after years and years trying to support his young family.

But then let me tell you what happened. Within 3 months Joe got cancer and he died. Do you know what the Federal Government did to that family estate? They went into that family estate, and they assessed it with a tax of 55 percent. Now, you add the 55 percent; and you add 24 percent on capital gains because the construction company was the primary asset in the family estate, and you come up with a tax of 79 percent.

What this man and his wife spent their entire life working for, 79 percent of it was taxed by the Government upon his death. That is within that period of time, 4 months preceding his death and upon his death.

Now, I know the son very well, both the sons. I asked the one son, I said, now, tell me, 79 percent, that means your family got 21 cents on the dollar? In other words, 21 percent of what your father and mother had in their entire life working for, you got 21 cents on the dollar. No, no, he says. We did not get 21 cents on the dollar. Because
we were forced to sell. We had to sell it within a very short period of time. We could not get the best price. We had to get whatever somebody would pay us so that we could pay the Government before the Government then assessed penalties and fees. If we did not pay the death tax in time. So we really did not realize 21 percent.

This family told me they thought they realized about 15 cents on the dollar. So their father and their mother worked their entire lives to accomplish an American dream. They paid taxes their entire lives. They never cheated the Government on one penny of tax; and upon their death, the Government came in and took over 79 percent of the value of that home.

And Mr. Hunt calls that, why do the Republicans complain about that? My colleague from California stands up and says, my gosh, it is going to cost us $35,000; million; billion. You are full of the American dream and people that do not have a lot of cash in lies. Start talking about some of the Forbes and all of these wealthy families.

This punitive tax. And quit bringing up out and see what you are doing with this money. Every penny they have is spent, how much time and effort is spent in a way to avoid the death tax. There is not a lot of discussion about the estate tax, again, resources committed to estate plans.

Now, I have got many friends that are tax lawyers or accountants. But speaking of a real-life example, back home in Columbia, Missouri, which is my home town; the Eiffert family. The gentleman has been talking about friends near and dear to him back home in Colorado, but over the Memorial Day recess I had the opportunity to travel the highways of Missouri’s 9th Congressional District, and we got behind this vehicle that was pulling a camper trailer behind it; and the bumper sticker on the camper trailer said “I’m spending my kids’ inheritance.”

And, of course, this is kind of a whimsical sentiment first, I had to make sure that was not my family that was traveling down the highway spending their kids’ inheritance. I think it points really a more serious issue; and that is, it really in some cases, and my colleague pointed out some very real-life examples, in some cases it is cheaper to sell off the family business pre-death rather than to experience first of all the personal tragedy of the loss of a loved one but then having to deal with the Internal Revenue Service at the moment of death.

The best bumper sticker slogan that I can think of regarding this issue is as follows: “The death of a family member should not be a taxable event.”

The point is, and I know that the editorial talks about and my colleague has spoken very eloquently and very passionately about the opponents of this repeal say, well, this is only going to be $35,000 a year in an insurance policy because they know that, as they have done their estate planning, that they are going to be socked with the Federal death tax.

That is $35,000 a year of capital that they could be investing in their business, investing in their families, putting aside money for a college education, whatever, letting them have that money; they have the choice to put 35 grand a year in an insurance policy because that decision. But instead they are making the choice to put 35 grand a year in an insurance policy because they know that, as they have done their estate planning, that they are going to be socked with the Federal death tax.

2145 Mr. McNINIS. The gentleman’s point is so well taken. In Colorado one of the families I am very familiar with, it is a ranching family, they barely get by from year to year but they have the land they have worked their entire lives. In fact I will give an example of my in-laws. The family has been on there since the late 1860s. Somebody like our colleague from California, the Democrat who supports this or the administration that has actually asked for an increase, their response to my in-laws and to other family farmers and ranchers is, go out and buy life insurance. The example you just gave is that family puts out $35,000 per year. My in-laws do not have $35,000 a year to pay for life insurance. They are lucky enough to get a new pickup every 5 or 6 years.

I wish some of these people who think this only applies to the Gates family or some of the other wealthy, and mind you, I do not take a thing away from the American dream, these people who have met with success. I wish they could come out and see the kind of expenditures that people like my in-laws have. They are very happy, they have lots of love, they love the land they are on, but they are not driving new pickups, flying in Gulfstreams, taking vacations in the Bahamas or anywhere else. Every penny they have got has to go back into the cattle operation. They do not have extra change for a life insurance policy. They are thankful that the gentleman brings up is very valid.

Mr. HULSHOF. I think what needs to be mentioned, Mr. Speaker, is that under present law, certain estates are shielded from the Federal death tax and the Government on that point the gentleman brings up is very valid.
us say if you have a 400-acre farm and let us say for the purposes of this hypo-
thetical, $1500 per acre, some places in
Missouri that would be low, some places in
Missouri perhaps high but I think on average if you say $1500 per acre tax, that there you are talking about a $600,000 value just on land, not mentioning equipment that is needed to produce, not talking about the residence or the home.

My friend from Colorado mentioned his constituent, having grown up and being born and grown up in the resi-
dence and worrying about being able to hang on to that asset. Life insurance proceeds, all of this becoming part of the estate that now is subject to the tax. Once that estate value is $1 more than the exemption, you are looking at about a 37 percent tax rate up to, as the gentleman says, over half, 55 percent and in some instances as high as 60 percent.

The point I would like to make is this, and I hope tomorrow as we have this debate, I really would encourage or challenge anybody who opposes this to give me a good policy reason why we have this tax. Really. What is the reason? Two weeks ago in this House we repealed the Spanish Amer-
ican War tax that was imposed 102 years ago in 1898, that, quote, tempo-
rary tax to fund the Spanish Amer-
ican War which now we finally re-
pealed, the inheritance tax as we know it today, 1916 and really what is the policy reason? What is the justifica-
tion? I can really only think of two. One is to punish the successful, which I do not think even our liberal friends would necessarily agree with that. The only other instance I can think of as far as justification for keeping the in-
heritance tax is redistribution of wealth. I think certainly under our present tax code and the progressive nature of the tax, is far better than what we have and certainly when we are talking about, quote, raise revenue for the government, rather than this very un-
fair tax which I think punishes family farms, family businesses of whatever size, whether they are facing the tax or whether they are expending resources to avoid the tax along the course of one's lifetime, I think that tomorrow afternoon we will be gratified with a vote. I would hope and I know our friends in the other end of the road and Sylvania Avenue have issued some sort of a veto threat under the present bill, I would like to see as we get that vote tallied tomorrow, a two-thirds vote in this House. It is a bipartisan bill with 45 Democratic cosponsors, many Repub-
licans, and so I urge my colleagues, Mr. Speaker, to vote in favor of this re-
peal, to do what is right, because again the death of a family member should not be a taxable event.

Mr. VANDENHOEK. If I could acknowledge to my friend the 45 Democrats that have signed onto this, they have enough guts to stand up to the admin-
istration and stand up and say wait a minute to their colleagues on the Democratic side, let us talk about, is this tax justified. Sure the revenue might be important but the primary focus of our question here this evening and the primary focus of our debate to-
morning should be, is this tax upon one's death a fair and justified tax? You can only answer that honestly by saying no.

As the gentleman just very accu-
ately pointed out, there are three rea-
sions that the tax can be libelous to the Rockefellers and the Carnegie and those kinds of families. It was a trans-
fer of wealth. Even Al Hunt in his arti-
cle today in the Wall Street journal says the tax has always been aimed at the accumulation of wealth by sons and daughters of the elite. So because your parent as in my case in small town Colorado, because their parents realized the American dream, because they employed people in that community, they should be penalized.

The second reason that these aristocrats and I call these the aristocrats, they may not have been aristocrats in the business sense or the money sense, they may be sugar-coating it. Do not let them sugar-coat what you are doing by this death tax. It is not right, it is not fair, and you ought to admit it is not right and it is not fair. And you ought to get a firsthand experience from your own constituents as to what it does to your community. The ex-
ample I gave you this evening, what it did to the local church. The ranch ex-
ample, what I gave you this evening and what it does to open space in States like Colorado, what it does to our communities and rural communi-
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munities. You can only answer that honestly by saying no.

I am asking all of my colleagues to-
morning when we do this debate, do not
let them divert you into the vast wealth of a few rich American families. Again, I do not take it away from those families. Those people realized the American dream. Who cares how rich the person is that invented the seat belt? I find the question interesting, what is going to be that invents the cure to cancer or the cure to AIDS? Who cares? I do not. That is the incentive that drives it. But do not be diverted by a few select names they use tomorrow, of the stature of like a Rockefeller or Carnegie. Instead, bring those people that are using that in the debate, my colleagues and your colleagues, bring them back to the American family, bring them back to the Colorado rancher, bring them back to the small lumber company in Missouri, bring them back to the small businesses in your communities. And then also ask them the fundamental question of the death tax and every American ought to be asked this question. Is it fair? Is it justified? How, Government, can you say you should go upon the tragedy, upon the death of a person and tax property upon which they have already taxed? I have no objection if somebody has a trust that has already been taxed. Everybody agrees they should pay their fair share. But do not let them draw you off course with that, either. Talk about the property they have already paid the taxes on, and ask them, what does the American dream really mean? Does the American dream mean that you are not entitled to pass something on to your children? I can tell you in my own personal example, my wife and I are not wealthy but I can tell you one of our dreams in being in America is to save enough of our pennies so that maybe our kids when they grow up can have their own house, maybe our kids if they get in a hard spot and they need a new car, they can buy a new car. I am not talking about buying a Rolls Royce, I am not talking about buying them a palace in Aspen, Colorado. I am talking about buying them a basic house. That would give my wife and I a great deal of happiness if we could do something for our kids, but the government is doing everything they can through this death tax to take that American dream away from a lot of people. For a lot of our young constituents out there, our young men and women in their early 20s who want to go on the career path, who have in their mind a dream to do what my wife and I dream of doing, and that is provide something for the next generation, keep in mind that the group or society out there that will do everything they can with their power to prevent you from going onto that next generation is your own government through this unfair and unjust tax called the death tax.

Mr. Speaker, in the final minutes that I have, I want to talk about another subject. Today I had an opportunity this morning to visit with a famous singer, a gentlewoman named Carole King, very talented, very capable, and frankly a very impressive person. It was interesting to be a part of that discussion. The discussion was on wilderness areas and preservation of the wilds in the United States. Fundamentally we did not disagree on that issue. In fact, I am not sure anybody in this room fundamentally disagree on the fundamental issues of trying to preserve and utilize, kind of like Teddy Roosevelt. We have a right to use the land but we have no right to abuse the land. I have never met people that really care about the land and if we have those kinds of people, we ought to do something to eliminate their opportunities to abuse our land. But one of the things that I learned from our conversation this morning is that even people of note sometimes have not had the opportunity to understand the differences between the western United States and the eastern United States. So in these next 9 minutes or so, I would like to show my colleagues a fundamental difference in the eastern United States compared to the western United States. A State with the title of the western United States with the first fundamental difference.

Remember that in the west it does not rain like it does in the east. In the east, in a lot of cases, their problem is getting rid of the water. In the west, our problem is being able to save the water, to store the water, to obtain the water. For example, my State, the State of Colorado, is the only State in the union where all of our water runs out of the State. We have no water source. In the east, they have an opportunity when they want to build something, or our issue as it comes into Colorado. So our water issues out here in the State of Colorado are different than water issues here in the State of New York or in the State of Maine or other places. Keep that in mind. If one lives in the east there is a great deal of land that is available, and compared to the west. So it is very easy for people in the east, it is a free vote for them, to oppose us in the west where we have to store water.

The second point is demonstrated by this map that I have brought here tonight. This map is titled, Government Lands. Take a look at the government landownership in the east. It is very sparse. In fact, one could take this pen and one could identify on this map with pencil points the government landownership in the east, with a couple of exceptions. We have a blotch in the Appalachias, we have the Everglades, we have some up in the north-east.

But then take a look at the government ownership in the west. This is the western United States. It is almost entirely owned by the government. So people in the east have no idea, for the most part, what kind of impact we have when we are surrounded by government lands, when we live on government lands. So it is very easy for people in the east to talk about life in the west, but it is very hard for them to understand, and I say this with due respect to my colleagues from the east. They have never had to live under those conditions.

Now, the history to that is really pretty simple. What happened in the west when the growing country wanted to increase in size, we had to figure out a way to encourage people to leave the comforts of the East Coast and to go west to settle this country, because then, our purchases like the Louisiana Purchase, we needed to possess the land. A deed did not mean much. One actually needed to be in possession of the land. We know the old saying, possession is nine-tenths of the law, that is where it came from. So to get people to settle out here, they said, look, we will give you free land, it is called the Homestead Act or the Home Stake Act, and it worked good. Here is 160 acres, 320 acres, Well, it worked good until it got to the Colorado Rockies or the Wyoming mountains or Montana or Idaho and they found out that while in Kansas or Pennsylvania or eastern Colorado, or Ohio, 160 acres could support one's family, here in these mountains, 160 acres would not even feed a cow.

In the government, the government consciously decided, said, well, we cannot give them an equivalent amount of acres; for example, 3,000 acres would be the equivalent of 160 acres. Let us go ahead and give them 3,000 acres, plus or minus. So the Home Stake Act, and it worked good. Politically, that is the wise thing to do because we cannot give that much land away to one person, so let us for formality just keep the title, but we will let the people use it. It is the government who put the people out there. It is the government who, for generation after generation has asked these people to occupy and make their living on this land. So understand that.

This morning, in my conversation with Carol King, I thought it was very beneficial, and I will look for we for future discussions, and I hope my colleagues do too, with individuals of this type of capability to explain the fundamental differences that exist. Because before we can come to some kind of understanding between the east and the west, before we can come to that understanding, we need to have an idea of each other's lifestyle. The people in the east need to understand our water problems in the west. The people in the west need to understand ours. For example, when they want to build something, they go to their city council or their county commissioner or their province. In the west, we have to do all that, plus in many, many cases we have to go all the way to the federal Government chief in Washington and get permission to do something out here.

So I am urging my colleagues from the east, do not just walk away with a free vote on people in the west. Sit down, talk with them face to face, see what is different in the west than in the east. We all are Americans. This is the United States of America. We are a team. But we cannot be a team unless
every team member understands what the other team member faces, under-
stands the burdens that the other team members have. That is what makes the
strongest team.

This morning, in my conversation with Carol King, she indicated to me
that she was willing to sit down and try and listen to us and try and under-
stand what we face there. Although she is from Idaho, I am not sure she was
aware of this map. My guess is she had never seen this, but I saw willingness
there. I would express to my colleagues from the east, take time to understand
our water problems in the west. Take time to understand why we need water storage
in the west. Take time to under-
stand that most of the government
ownership in this country is in the
west. Take time to include us on the
team.

Yes, sure, in the east, you have the population, but understand, we are
Americans too, and we have a part to play, and let us play it.

Mr. Speaker, in conclusion, number one, I ask that we have more of a team effort from our colleagues in the east.
Help us out. We are a good team, we make a great team.

Second of all, in the debate tomorrow on this death tax, do not let them mis-
lead us. This is not about the wealthi-
est families in America, this is about a
lot of average, middle-income families in America. This is about a lot of fam-
ily farms and a lot of family ranches and a lot of family businesses. This is about local churches and local chari-
table causes. This is about keeping
money that was made under the Amer-
ican dream in the local community. This is about not allowing that money to be transferred from the local com-
munity to Washington, D.C. for redistr-
ibution.

Mr. Chairman, I hope all of my col-
leagues pay attention in that debate
tomorrow. It is important, and fun-
damentally it is the question we must
answer. This is about keeping our country to Washington, D.C. for redis-
tribution.

June 8, 2000
CONGRESSIONAL RECORD—HOUSE
H4115

CONFERENCE REPORT ON S. 761, ELECTRONIC SIGNATURES IN
GLOBAL AND NATIONAL COM-
MERCE ACT

Mr. BLILEY (during the Special
Order of the gentleman from Colorado)
submitted the following conference re-
port and statement on the bill (S. 761)
to regulate interstate commerce by elec-
tronic means by permitting and en-
couraging the continued expansion of
electronic commerce through the oper-
ation of free market forces, and for other purposes.

Mr. BLILEY (for himself and Mr. Fanning)
submitted the following conference re-
port and statement on the bill (S. 761)
to regulate interstate commerce by elec-
tronic means by permitting and encouraging the continued expansion of
electronic commerce through the operation of free market forces, and for other purposes.

SECTION 1. GENERAL RULE OF VALIDITY.
(a) In general.—Notwithstanding any stat-
ute, regulation, requirement, or rule of law (other than this title and title II), with respect to any trans-
action in or affecting interstate or foreign commerce—
(1) a signature, contract, or other record relating
to such transaction may not be denied legal
effect, validity, or enforceability solely because it is in electronic form; and
(2) a contract relating to such transaction may not be denied legal effect, validity, or enforce-
ability solely because an electronic signature
or electronic record was used in its forma-
tion.

(b) Preservation of Rights and Obliga-
tions.—This title does not
(1) limit, alter, or otherwise affect any re-
quirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that con-
tracts or other records be written, signed, or in non-electronic form; or
(2) require any person to agree to use or ac-
cept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract in which it is a
party.

(c) Consumer Disclosures.—
(1) Consent to electronic records.—Not-
withstanding subsection (a), if a statute, regula-
tion, or rule of law requires that informa-
tion relating to a transaction or transactions in
or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract in which it is a
party, may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its forma-
tion.

(d) Preservation of Rights and Obliga-
tions.—This title does not
(1) limit, alter, or otherwise affect any re-
quirement imposed by a statute, regulation, or rule of law relating to the rights and obligations of persons under such statute, regulation, or rule of law other than a requirement that con-
tracts or other records be written, signed, or in non-electronic form; or
(2) require any person to agree to use or ac-
cept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract in which it is a
party.

(e) Consumer Disclosures.—
(1) Consent to electronic records.—Not-
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or affecting interstate or foreign commerce be provided or made available to a consumer in writing, the use of electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract in which it is a
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tion.
available to a consumer who has consented prior to the effective date of this title to receive such records in electronic form as permitted by any statute, regulation, or other rule of law.

(3) R E T E N T I O N O F C O N T R A C T S A N D R E C O R D S .—An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided by law.

(d) R E T E N T I O N O F C O N T R A C T S A N D R E C O R D S.—An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided by law.

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(d) R E T E N T I O N O F C O N T R A C T S A N D R E C O R D S.—An oral communication or a recording of an oral communication shall not qualify as an electronic record for purposes of this subsection except as otherwise provided by law.
(ii) will not impose unreasonable costs on the acceptance and use of electronic records; and
(iii) the methods selected to carry out that purpose do not require, or accord greater legal status to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures.

(3) PERFORMANCE STANDARDS.—(A) GOOD INTEGRITY, ACCESSIBILITY.—Notwithstanding paragraph (2)(C)(iii), a Federal regulatory agency or State regulatory agency may interpret section 101(d) to specify performance standards to assure accuracy, record integrity, and accessibility of records that are required to be retained. Such performance standards may be specified in a manner that imposes a violation of paragraph (2)(C)(iii) if the requirement (i) serves an important governmental objective; and (ii) is substantially related to the achievement of that objective. Nothing in this paragraph shall be construed to grant any Federal regulatory agency or State regulatory agency authority to require use of a particular type of software or hardware in order to comply with section 101(d).

(B) PAPER OR PRINTED FORM.—Notwithstanding subsection (c)(1), a Federal regulatory agency or State regulatory agency may interpret section 101(d) if the need for retention of a record in a tangible printed or paper form if—

(1) there is a compelling governmental interest relating to law enforcement or national security for imposing such requirement; and
(2) imposing such requirement is essential to attaining such interest.

(C) EXCEPTIONS FOR ACTIONS BY GOVERNMENT AS MARKET PARTICIPANT.—Paragraph (2)(C)(iii) shall not apply to the statutes, regulations, or other rules of law governing procurement by the Federal Government or State regulatory agency, or any agency or instrumentality thereof.

(D) ADDITIONAL LIMITATIONS.—(1) REIMPOSING PAPER PROHIBITED.—Nothing in subsection (b) (other than paragraph (3)(B) thereof) shall be construed to grant any Federal regulatory agency or State regulatory agency authority to impose or require any requirement that a record be in a tangible printed or paper form.

(2) CONTINUING OBLIGATION UNDER GOVERNMENT PAPERWORK ELIMINATION ACT.—Nothing in subsection (b) shall preclude any Federal regulatory agency or State regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105–277).

(3) AUTHORITY TO EXEMPT FROM CONSENT PROVISION.—(1) IN GENERAL.—A Federal regulatory agency may, with respect to matter within its jurisdiction, by regulation or order issued after notice and an opportunity for public comment, except without condition a specified category or type of records from the requirements relating to consent in section 101(c) if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.

(2) PROSPECTUSES.—Within 30 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue a regulation or order pursuant to paragraph (1) exempting from section 101(c) any records that are required to be provided in order to allow advertising, sales literature, or other information concerning a security issued by an investment company that is registered under the Investment Company Act of 1940, or concerning the issuer thereof, to be excluded from the definition of a prospectus under section 2(a)(10)(A) of the Securities Act of 1933.

(e) ELECTRONIC LETTERS OF AGENCY.—The Federal Communications Commission shall not hold a Federal regulatory agency or a State regulatory agency to implement or apply a regulation, rule, order, or policy that is inconsistent with regulations governing communications services or letter of agency for a preferred carrier, that otherwise complies with the Commission’s rules, to be legally ineffective, invalid, or unenforceable solely because an electronic record or electronic signature was used in its formation or authorization.

SEC. 105. STUDIES.

(a) D E L I V E R Y.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce shall conduct an inquiry regarding the effectiveness of the use of electronic records and electronic signatures compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit to the Congress report to the Congress report on the results of such inquiry by the conclusion of such 12-month period.

(b) S T U D Y O F E L E C T R O N I C C O N S E N T.—Within 12 months after the date of the enactment of this Act, the Secretary of Commerce and the Federal Trade Commission shall conduct an inquiry regarding the effectiveness of the use of electronic records and electronic signatures compared with delivery of written records via the United States Postal Service and private express mail services. The Secretary shall submit to the Congress report to the Congress report on the results of such inquiry by the conclusion of such 12-month period.

SEC. 106. DEFINITIONS.

For purposes of this title:

(1) C O N S U M E R.—The term "consumer" means an individual who obtains, through a transaction, products or services which are used primarily for personal, family, or household purposes, also means the legal representative of such person.

(2) E L E C T R O N I C.—The term "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) E L E C T R O N I C A G E N T.—The term "electronic agent" means a computer program or an electronic or other automated means used independently to initiate, act on or respond to electronic records or performances in whole or in part without review or action by an individual at the time of the action or response.

(4) E L E C T R O N I C R E C O R D.—The term "electronic record" means a contract or other record created, generated, sent, transmitted, received, or stored by electronic means.

(5) E L E C T R O N I C S E N T E G R Y.—The term "electronic signature" means an electronic sound, symbol, or process, attached to or logically associated with a record, that is used to sign the record.

(6) F E D E R A L R E G U L A T O R Y A G E N C Y.—The term "federal regulatory agency" means an agency, as that term is defined in section 552(f) of title 5, United States Code.

(7) I N F O R M A T I O N.—The term "information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(8) P E R S O N.—The term "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(9) R E C O R D.—The term "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) R E Q U I R E M E N T.—The term "requirement" includes a prohibition.

(11) S E L F - R E G U L A T O R Y O R G A N I Z A T I O N.—The term "self-regulatory organization" means an organization that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

(12) S T A T E.—The term "State" includes the District of Columbia and the territories and possessions of the United States.

T R A N S A C T I O N.—The term "transaction" means an action or set of actions relating to the conduct of business, consumer, or commercial affairs between two or more persons, including any of the following types of conduct:

(A) the sale, lease, exchange, licensing, or other disposal of (i) personal property, including goods and intangibles, (ii) services, and (iii) any combination thereof;

(B) the sale, lease, exchange, or other disposition of any interest in real property, or any combination thereof.

SEC. 107. EFFECTIVE DATE.

(a) I N G E N E R A L.—Except as provided in subsection (b), this title shall be effective on October 1, 2000.

(b) E X E C T I O N S.—(1) R E C O R D R E T E N T I O N.—(A) I N G E N E R A L.—Subject to subparagraph (B), this title shall be effective on March 1, 2001, with respect to a requirement that a record be retained by—

(i) a Federal statute, regulation, or other rule of law, or
(ii) a State statute, regulation, or other rule of law administered or promulgated by a State regulatory agency.

(B) D E L A Y E D E F F E C T F O R P E N D I N G R U L E M A K I N G S.—If on March 1, 2001, a Federal regulatory agency or State regulatory agency has announced, proposed, or initiated, but not completed, a rulemaking proceeding to prescribe a regulation under section 104(b)(3) with respect to a requirement described in paragraph (A), this title shall be effective on June 1, 2001, with respect to such requirement.

(2) C E R T A I N G U A R A N T E E D A N D I N S U R E D L O A N S.—With respect to any transaction involving a loan guarantee or loan guarantee commitment (as those terms are defined in section 502 of the Federal Credit Reform Act of 1990), or involving a program listed in the Federal Credit Supplement, Budget of the United States, FY 2001, this title applies only to such transactions entered into, and to any loan or mortgage made, in accordance with a loan guarantee or loan guarantee commitment issued by the Federal Government thereunder, on and after one year after the date of enactment of this Act.

(3) S T U D E N T L O A N S.—With respect to any requirement that is provided or made available to a consumer pursuant to an application for a loan, or a loan made, pursuant to title IV of the Higher Education Act of 1965, section 101(c) of this Act shall not apply until the earlier of—

(A) such time as the Secretary of Education publishes revised promissory notes under section 432(m) of the Higher Education Act of 1965; or

(B) one year after the date of enactment of this Act.

T I T L E II— T R A N S F E R A B L E R E C O R D S

SEC. 201. T R A N S F E R A B L E R E C O R D S.

(a) D E F I N I T I O N S.—(1) C O N S U M E R.—The term "transferable record" means an electronic record that—

(A) would be a note under Article 3 of the Uniform Commercial Code if the electronic record were in writing;

(B) the issuer of the electronic record expressly has agreed is a transferrable record; and

(C) relates to a loan secured by real property. A transferrable record may be executed using an electronic signature.

(2) O T H E R D E F I N I T I O N S.—The terms "electronic record", "electronic signature", and "person" have the same meanings provided in section 106 of this Act.
extend their remarks and include extraneous material:)
Mr. RUSH, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Ms. STABENOW, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)
Mr. KASICH, for 5 minutes, today.
Mr. SUNUNU, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:
S. 2625. An act to amend the Public Health Service Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Commerce.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that a bill referred to the Committee, Numbered, was enrolled and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:
H.R. 2559. An act to amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.
H.R. 3642. An act to authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 10 o’clock and 8 minutes p.m.), the House adjourned until tomorrow, Friday, June 9, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:
9800. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting reports entitled, “The DoD Health Care Benefits: How Do They Compare to FEHBP and Other Plans?” and “TRICARE/CHAMPUS Behavioral Health Benefit Review”; to the Committee on Armed Services.
9802. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department’s final rule—Privacy of Consumer Financial Information (RIN: 1550–AB36) received May 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.
9805. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department’s final rule—Indirect Food Additives: Adulants, Production Aids, and Sanitizers [Docket No. 99–1019] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.
9806. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department’s final rule—Indirect Food Additives: Polymers [Docket No. 98–1019] received May 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper Committee, as follows:
Mr. YOUNG of Alaska, Committee on Resources. H.R. 3292. A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana: with an amendment (Rept. 106–659). Referred to the Committee on the Whole House on the State of the Union.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:
H.R. 2559. To amend the Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:
H.R. 4600. A bill to require schools and libraries to implement filtering or blocking technology for computers with Internet access as a condition of universal service discounts; to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Mr. LEACH):

H.R. 4601. A bill to require hospital facilities and the Secretary, to assess the adequacy of the quality of care furnished in nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 4607. A bill to amend title XVIII of the Social Security Act to provide for a prescription drug benefit for Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JENKINS (for himself, Mr. DUNCAN of South Carolina, Mr. TYLENOL, Mr. HILLERY, Mr. GIBSON, Mr. CLEMENT, Mr. TANNER, and Mr. FORD):

H.R. 4602. A bill to protect United States citizens against expropriations of property by the Government of the Republic of Nicaragua; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. DELAY, Mr. HYDE, Mr. BURTON of Indiana, Mr. MCCOLLUM, Mr. KING, Mr. POMBO, Mr. DEUTSCH, and Mr. GONZALEZ):

H.R. 4603. A bill to require studies and reports on the feasibility and potential impact of increasing the maximum amount of de- posei insurance under the Federal Deposit Insurance Act and the Federal Credit Union Act for each $10,000 per depositor for such other amount as may be determined to be appropriate, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. CHENOWETH-HAGE (for herself, Mr. PAUL, Mr. STUMP, Mr. MINTOSHER, and Mr. DOULTITE):

H.R. 4604. A bill to amend the Federal Food, Drug, and Cosmetic Act to compel Food and Drug Administration compliance with the first amendment to the United States Constitution and to protect freedom of informed choice in the dietary supplement marketplace consistent with the decision of the United States Court of Appeals for the District of Columbia Circuit in Pearson v. Shalala, 164 F.3d 650 (D.C. Cir. 1999), reh’g den. en banc, 172 F.3d 72 (D.C. Cir. 1999), to the Committee on Government Reform.

By Ms. DEGETTE (for herself, Mr. MICA, Mr. WAXMAN, Mr. DINGELL, Mr. BROWN of Ohio, Mr. LATOURETTE, Mr. ANDREW, Mr. STARK, Mr. MURDO and Mr. KUCINICH):

H.R. 4605. A bill to amend the Public Health Service Act with respect to the protection of human subjects in research; to the Committee on Commerce.

By Ms. DELAURO (for herself and Mr. LEACH):

H.R. 4606. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Commerce.

By Ms. ESHOO (for herself, Mr. ENGEL, Mr. ROBINS, Mr. DEUTCH, Mrs. CAPPS, Mr. WYNNS, Ms. DEGETTE, Mr. SAWYER, Ms. MCCARTHY of Missouri, Ms. WOOLSEY, Mr. HIMES, Mr. RUSH and Mr. NOLAN):

H.R. 4608. A bill to designate the United States courthouse located at 220 West Depot Street in Greenville, Tennessee, as the "James H. Quillen United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Ms. KILPATRICK:

H.R. 4609. A bill to amend title 49, United States Code, to encourage airports to develop and implement programs for the purchase of recycled materials; to the Committee on Transportation and Infrastructure.

By Mr. MARKLEY (for himself and Mr. TIERNEY):

H.R. 4610. A bill to require the Food and Drug Administration to conduct a study of the health effects of radiofrequency emissions from wireless telephones; to the Committee on Commerce.

By Mr. NATHAN:

H.R. 4611. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the sale and purchase of Social Security numbers and Social Security account numbers, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 4612. A bill to provide for the conservation and rebuilding of overfished stocks of Atlantic herring, hake, cod, flounder, and haddock, and for other purposes; to the Committee on Resources.

By Mr. SOUDER (for himself, Mr. STUPAK, Mr. FORBES, Mr. ROMERO-BARCELLO, Mr. ENGLISH, Mr. METCALF, Mr. HOLDEN, Mr. BLONDINO, Mr. SHAYS, Mr. Gillmor, and Ms. KAPTUR):

H.R. 4613. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic light preservation program; to the Committee on Resources.

By Mr. STARK (for himself, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. WOOLSEY, Ms. PELOSI, Ms. LEE, Mr. LANTOS):

H.R. 4614. A bill to amend title XVIII of the Social Security Act to require skilled nursing facilities furnishing services to Medicare beneficiaries to submit data to the Secretary of Health and Human Services with respect to approved nursing and ancillary facility, to require posting of staffing information by facilities and the Secretary, to assess the adequacy of training requirements for certified nursing assistants, to grant to improve the quality of care furnished in nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. BARRATT of Nebraska, and Mr. BEREUTER):

H.R. 4615. A bill to redesignate the facility of the United States Postal Service located at 3800 Newspaper Avenue in Omaha, Nebraska, as the "Reverend J. C. Wade Post Office"; to the Committee on Government Reform.

By Mr. WEXLER:

H.R. 4616. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, homeownership plans; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. WOLF, Mr. CARDOZO, Mr. SALMAN, Mr. Slaughter, Mr. GREENWOOD, Mr. FORBES, and Mr. PITTS):

H.J. Res. 100. A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helms-Burton Final Act; to the Committee on International Relations.

By Mr. SPENCE (for himself and Mr. SKEELTON):

H.J. Res. 101. A joint resolution recognizing the 25th birthday of the United States Army; to the Committee on Armed Services.

By Mr. CROWLEY (for himself and Mr. ROTHMAN):

H. Con. Res. 349. Concurrent resolution commending the member states of the United Nations Western European and Others Group for addressing over four decades of injustice and extending temporary membership in that regional bloc to the state of Texas; to the Committee on International Relations.

By Mr. DEFAZIO (for himself, Mr. KUCINICH, Mr. McKINNEY, Mr. SANDERS, Mr. LEE, Mr. BURTON of Ohio, Mr. LATOURETTE, Mr. WAXMAN, Mr. LANTOS, Mr. MORELIA, Mr. DELAHUNT, Mr. PORTER, Mr. CAJUNO, Mr. STARK, Mr. PELOSI, Mr. LIPINSKI, Ms. POOLY of Oregon, Mr. PAYNE, Mr. ENGEL, Ms. KAPTUR, Ms. DEGETTE, Mr. UDAALL of Colorado, Mr. McGovern, Mr. OBERSTAR, Mr. RUPPALL of Minnesota, Mr. RINGLING, Mr. EVANS, and Mr. CONYERS):

H. Con. Res. 350. Concurrent resolution expressing the sense of the House with regard to political repression of foreign observers in Mexico; to the Committee on International Relations.

**MEMORIALS**

Under clause 3 of rule XII, memorials were presented and referred as follows:

341. The SPEAKER presented a memorial of the Legislature of the State of Washing-

H.R. 4617. A memorial of the Legislature of the State of Minnesota, relative to Resolu-

H.R. 4618. A memorial of the Legislature of the State of Texas, relative to the mem-

H.R. 4619. A memorial of the Legislature of the State of Virginia, relative to Resolu-

H.R. 4620. A memorial of the Legislature of the State of Washington, relative to Substitut

H.R. 4605. A bill to amend the Public Health Service Act with respect to the pro-

H.R. 4607. A bill to amend title XVIII of the Social Security Act to require skilled nurs-

H.R. 4608. A bill to designate the United States courthouse located at 220 West Depot 

H.R. 4609. A bill to amend title 49, United States Code, to encourage airports to de-

H.R. 4610. A bill to require the Food and Drug Administration to conduct a study of 

H.R. 4611. A bill to strengthen the authority of the Federal Government to protect in-

H.R. 4612. A bill to provide for the conservation and rebuilding of overfished stocks of 

H.R. 4613. A bill to amend the National Historic Preservation Act for purposes of es-

H.R. 4614. A bill to amend title XVIII of the Social Security Act to require skilled nurs-

H.R. 4615. A bill to redesignate the facility of the United States Postal Service located 

H.R. 4616. A bill to amend the Internal Revenue Code of 1986 to provide for the es-

H.R. 4617. A memorial of the Legislature of the State of Minnesota, relative to Resolu-

H.R. 4618. A memorial of the Legislature of the State of Texas, relative to the mem-

H.R. 4619. A memorial of the Legislature of the State of Virginia, relative to Resolu-

H.R. 4620. A memorial of the General Assembly of the Commonwealth of Virginia,
additional sponsors

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 137: Mr. Pascrell.
H.R. 218: Mr. Kingston.
H.R. 229: Mr. Wexler.
H.R. 313: Mr. Hold.
H.R. 797: Mr. Vento.
H.R. 827: Mr. Clyburn, Mr. Doyle, and Mr. Weigand.
H.R. 914: Mr. Holt.
H.R. 955: Mr. Hoeffel.
H.R. 979: Mr. Levin.
H.R. 1045: Mr. Castle.
H.R. 1168: Mr. Lazio.
H.R. 1227: Mr. Levin.
H.R. 1357: Mr. Wines.
H.R. 1621: Mr. Horn, Mr. Boyd, and Mr. Fattah.
H.R. 1834: Mr. Clemen and Mr. Baca.
H.R. 1841: Mr. Engel and Mr. Ryan of Wisconsin.
H.R. 1900: Mr. Bartlett of Maryland.
H.R. 2059: Mr. Latham and Mr. Baca.
H.R. 2175: Mr. Rush and Mr. Engel.
H.R. 2271: Mr. Hall of New Mexico.
H.R. 2316: M. Minge.
H.R. 2256: Mr. Cunningham and Mr. Matsui.
H.R. 2420: Mr. Maloney of Connecticut, Mr. Porter, Mr. Borski, Ms. Delauro, Mr. McNinis, and Mr. Smith of Texas.
H.R. 2431: Mr. Nusslin.
H.R. 2457: Mr. Price of North Carolina, Mr. Hilliard, Mr. Minge, and Ms. Kaptur.
H.R. 2511: Mr. Salmon.
H.R. 2522: Mr. Klecza.
H.R. 2562: Mr. Ramstad and Mr. Filner.
H.R. 2594: Ms. Delauro.
H.R. 2631: Mr. Pastor.
H.R. 2736: Mr. Wynn.
H.R. 2738: Mr. Engel.
H.R. 2753: Mr. McNinis.
H.R. 2784: Mr. Sessions.
H.R. 2790: Mr. Holden and Mr. Pallone.
H.R. 2969: Mr. Rothman.
H.R. 3004: Mrs. Jones of Ohio.
H.R. 3082: Mr. Jefferson.
H.R. 3091: Mr. Khekken.
H.R. 3100: Ms. Carson, Ms. Millender-McDonald, Mr. Baca, and Mr. Goodling.
H.R. 3104: Mr. Ortiz and Mr. Davis of Florida.
H.R. 3180: Mr. Goodling.
H.R. 3192: Mr. Visclisky, Mr. Minge, Mr. Wu, Mr. Hilliard, Mr. Meekan, Mr. Berman, Mr. Hoyer, Mr. Cummings, and Mr. Davis of Florida.
H.R. 3299: Mr. Lewis of Georgia.
H.R. 3537: Mr. Latham and Mr. Frost.
H.R. 3578: Mrs. Fowler.
H.R. 3590: Mr. Green of Wisconsin, Mr. Rodriguez, Mr. Hill of Montana, Mr. Nethercutt, Mr. Barrett of Nebraska, Mr. Hastings of Florida, Mr. Vitter, and Mr. Latham.
H.R. 3665: Mr. Crowley.
H.R. 3669: Mr. Krajinski, Mrs. Chenoweth-Hague, Mr. Shays, Mr. Walden of Oregon, Mr. Tancredo, Mr. Weller, Mr. Nethercutt, Mr. Diaz-Balart, Mr. Stump, and Mr. Martinez.
H.R. 3698: Mr. Spratt, Mr. Nethercutt, Mrs. Maloney of New York, Mr. Carson, Mr. Lewis of Georgia, Ms. Pelosi, Mr. Doyle, Mr. Eshoo of Texas, Mr. McIntyre, Mr. Barrett of Wisconsin, Mr. Rodriguez, Mr. Lewis of California, Mr. Barrett of Nebraska, and Mr. Vitter.
H.R. 3771: Mr. Lewis of Missouri, Mrs. Maloney of New York, Mr. Quinn, Mr. Baca, Mr. Barrett of Wisconsin, Mr. Rodriguez, Mr. Hastings of Florida, Mr. Sherman, and Mr. Fattah.
H.R. 3802: Mr. Weller.
H.R. 3906: Mr. Olver.
H.R. 3695: Mr. Goodling.
H.R. 3866: Mr. Bryant and Mr. Moore.
H.R. 3697: Mr. Underwood, Mr. Hoey, Mr. Ortiz, and Ms. Velazquez.
H.R. 4019: Mr. Hyde.
H.R. 4066: Mr. McGovern.
H.R. 4062: Mr. Wolf.
H.R. 4079: Mr. Rush, Mr. Davis of Virginia, and Mr. Ehrlich.
H.R. 4115: Mr. Romero-Barcelo.
H.R. 4126: Mr. Pastor.
H.R. 4152: Mrs. Delauro, Ms. Rivers, and Mr. Blumenauer.
H.R. 4162: Mr. Conyers, Mr. Brady of Pennsylvania, Mr. Rush, Mr. Owens, and Ms. Waters.
H.R. 4165: Mr. Conyers, Mr. Sawyer, and Mr. Gordon.
H.R. 4181: Mr. Barrett of Wisconsin.
H.R. 4184: Mr. Thornberry.
H.R. 4202: Mr. Terry, Mr. Shows, and Mr. Green of Wisconsin.
H.R. 4206: Mrs. Mee of Florida and Mr. Baldacci.
H.R. 4212: Mr. Gilchrest and Mr. Baker.
H.R. 4211: Mr. Hilliard, Ms. Degette, Mr. Barrett of Wisconsin, Mr. Capuano, Mr. Pastor, Mr. Filner, Mr. Boucher, and Mr. Kind.
H.R. 4213: Mr. Foley and Mr. Crowley.
H.R. 4215: Mr. Pickering.
H.R. 4236: Mr. Bos.
H.R. 4257: Mr. Barr of Georgia, Mr. Whitley, Mr. McIntosh, Mr. Nei, and Mr. Hegeley.
H.R. 4259: Mr. Lipinski, Mr. Aderholt, Mr. Balleguer, Mr. Bateman, Mrs. Bigert, Mr. Bilbray, Mrs. Bond, Mr. Bryant, Mr. Burr of North Carolina, Mr. Calvert, Mr. Campbell, Mrs. Chenoweth-Hague, Mrs. Cubin, Ms. Carson, Mr. Coble, Mr. Collins, and Mr. Baker.
H.R. 4263: Mr. Wamp.
H.R. 4271: Mr. Boehner.
H.R. 4272: Mr. Boehner.
H.R. 4273: Mr. Boehner.
H.R. 4274: Mr. Tianht, Mr. DeMint, Mr. Balleguer, and Mr. Barr of Georgia.
H.R. 4277: Mr. Pallone.
H.R. 4283: Mr. La rouette and Mr. English.
H.R. 4332: Mr. Abercrombie.
H.R. 4336: Mr. Baca.
H.R. 4336: Mr. John and Mr. Stook.
H.R. 4375: Mr. Hillard.
H.R. 4394: Mr. Hild, Mr. Green of Texas, Mr. Davis of Illinois, Mr. Rodriguez, Mr. Reyes, Ms. Baldwin, Mr. Lipinski, Mr. Crumer, Mr. Udall of Colorado, Mr. Udall of New Mexico, Mr. Eyman, Mr. Nadler, Mr. Forbes, Mr. Sandlin, Mr. Ford, Mr. Crowley, Mr. Holt, Mr. Scott, Mr. Klecza, Mr. Larson, Mr. Hall of Ohio, Mr. Clyburn, Mr. Edwards, Mrs. Jones of Ohio, Mr. Walsh, Mr. Filner, Mr. Underwood, Mr. McGovern, Ms. Lantos, Ms. Fowler, Mrs. Morella, and Mr. Burton of Indiana.
H.R. 4392: Mr. Kucinich.
H.R. 4395: Mr. Eshoo, Mr. Bilbray, Mr. Matsui, and Mr. Cunningham.
H.R. 4396: Mr. Duncan and Ms. Degette.
H.R. 4416: Mr. Andrews.
H.R. 4467: Mr. Terry.
H.R. 4488: Mr. Bonior.
H.R. 4492: Mrs. Bigert, Mrs. Myrick, Mr. Kuykendall, Mr. English, Ms. Sanchez, Mr. Holden, Mr. Terry, Mr. Spratt, and Mr. Tener.
H.R. 4498: Ms. Morella, Mr. Ewing, Mr. Manzullo, and Mr. Gilman.
H.R. 4562: Mr. Bass, Mr. Simpson, Mr. Eberhart, Mr. Wicker, Mr. Radovich, Mr. Watkins, Mr. Holden, Mr. Jenkins, Mr. Lucas of Oklahoma, Mr. Hostetller, Mr. Green of Wisconsin, Mr. Thompson of Mississippi, Mr. Stupak, Mr. Benskll, Mr. McIntyre, Mr. Gutchnecht, Mr. Metcalf, Mr. Danner, and Mr. Latham.

private bills and resolutions

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. Myrick:
H.R. 4377: To authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel Double Eagle; to the Committee on Ways and Means.

By Mr. Weldon of Pennsylvania:
H.R. 4618: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each vessel; to the Committee on Transportation and Infrastructure.

By Mr. Wexler:
H.R. 4619: A bill for the relief of Rigaud Moise, Caroline Moise, Jean Rigaud Moise, and Phara Moise; to the Committee on the Judiciary.
AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461
OFFERED BY: MRS. CLAYTON
AMENDMENT NO. 25: Page 40, line 23, before the period insert the following:

: Provided, That of the total amount made available for loans to section 502 borrowers, $5,400,000 shall be available for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to re-house low- and very low-income elderly families who (1) have lost their housing because of a major disaster (as so declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act), and (2)(A) do not have homeowner’s insurance, or (B) do not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans; provided further, That, of the amounts made available for such demonstration program, $5,000,000 shall be for grants and $400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

H.R. 4461
OFFERED BY: MR. DEFAZIO
AMENDMENT NO. 26: Insert at the end of the bill (before the short title) the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, (A) $5,650,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE”, (B) none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild predatory mammals for the purpose of protecting livestock.

H.R. 4577
OFFERED BY: MR. BOEHNER
AMENDMENT NO. 193: Page 52, line 12, after each dollar amount, insert the following: “(decreased by $23,000,000)”. Page 53, line 17, after each dollar amount, insert the following: “(increased by $23,000,000).”

H.R. 4577
OFFERED BY: MR. BOEHNER
AMENDMENT NO. 194: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . . None of the funds made available in this Act may be used for any Native Hawaiian program under part B of title IX of the Elementary and Secondary Education Act of 1965.

H.R. 4577
OFFERED BY: MR. BOEHNER
AMENDMENT NO. 195: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . . None of the funds made available in this Act may be used for any program under part B of title IX of the Elementary and Secondary Education Act of 1965.

H.R. 4577
OFFERED BY: MR. BOEHNER
AMENDMENT NO. 197: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . . None of the funds made available in this Act may be used for any program under section 4118 of the Elementary and Secondary Education Act of 1965 or part B of title IX of such Act.

H.R. 4577
OFFERED BY: MR. STEARNS
AMENDMENT NO. 198: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . . None of the funds made available in this Act may be used to prohibit military recruiting at secondary schools.

H.R. 4577
OFFERED BY: MR. TRAFICANT
AMENDMENT NO. 199: Page 19, strike lines 15 through 19 (section 103).

H.R. 4577
OFFERED BY: MR. TRAFICANT
AMENDMENT NO. 200: On page 19, after line 19, insert the following new section:

MINIMUM WAGE

SEC. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

(A) $5.15 an hour beginning September 1, 1997,

(B) $5.65 an hour during the year beginning April 1, 2000, and

(C) $6.15 an hour beginning April 1, 2001;”.

H.R. 4577
OFFERED BY: MR. TRAFICANT
AMENDMENT NO. 201: At the end of the bill add the following new section:

MINIMUM WAGE

SEC. 104. Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

(A) $5.15 an hour beginning September 1, 1997,

(B) $5.65 an hour during the year beginning April 1, 2000, and

(C) $6.15 an hour beginning April 1, 2001;”.

H.R. 4537: Mr. Boehner.
H.R. 4548: Mr. Sweetney, Mr. Green of Wisconsin, Mr. Nethercut, Mr. Cunningham, and Mr. Manzullo.
H.R. 4549: Mr. Hilleary.
H.R. 4550: Mr. Lewis of Georgia.
H.R. 4553: Mr. Mica, Mr. Gilman, Mr. Lipinski, and Mr. Oxley.
H.R. 4555: Mr. McGovern.
H.R. 4566: Mr. Regula, Mr. Dingell, and Mr. Markey.
H.R. 4567: Mr. Waxman.
H.R. 4574: Mr. Larson, Mrs. Napolitano, Mr. Moore, Mr. Udall of Colorado, Ms. Berkley, Mr. Frank of Massachusetts, Mr. Lewis of Georgia, Mr. Green of Texas, Mr. Campbell, Mr. Frost, Mr. Hoyer, Mr. Holt, and Ms. Pelosi.
H.R. 4590: Mr. Hinojosa and Mr. Pastor.
H. Con. Res. 307: Mr. Sandlin, Mr. Weygand, Mr. Brady of Pennsylvania, Mr. Knollenberg, Mr. Forbes, Mr. Rothman, Mr. Rangel, Mr. Ackerman, Mr. Allen, Mr. Moran of Virginia, Mr. Borski, Mr. Wexler, Ms. Norton, Mrs. DeLauro, Mrs. Lowey, Mr. Lazio, Mr. Kuykendall, Mr. Maloney of Connecticut, and Mr. Souder.
H. Con. Res. 308: Mr. Goodling, Mr. Rohrabacher, and Mr. Cox.
H. Con. Res. 327: Mr. Cramer, Mr. LoBiondo, and Mr. Skelton.
H. Con. Res. 341: Mr. Stearns.
H. Res. 82: Ms. Pelosi.
H. Res. 420: Mr. Larson.
H. Res. 479: Mr. Underwood.
H. Res. 494: Mr. Upton, Mr. Knollenberg, Mr. Salmon, Mr. McInnis, and Mr. Terry.

VerDate 01-JUN-2000 05:38 Jun 09, 2000 Jkt 079060 PO 00000 Frm 00080 Fmt 4634 Sfmt 0634 E:\CR\FM\A08JN7.057 pfrm09 PsN: H08PT1
PLEDGE OF ALLEGIANCE
The Honorable Craig Thomas, a Senator from the State of Wyoming, 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.

RESERVATION OF LEADER TIME
The PRESIDING OFFICER (Mr. Thomas). Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001
The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The legislative clerk read as follows:
A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for other purposes.

Pending: Smith (of NH) amendment No. 3210, to prohibit granting security clearances to felons.
McCain amendment No. 3214 (to amendment No. 3210), to require the disclosure of expenditures and contributions by certain political organizations.
The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, again I wish to express my cooperation to the leadership of the Senate, most specifically my distinguished ranking member, Mr. LEVIN. We are making progress on this bill.

I inquired first of the Chair with regard to time allocations. I believe, under the previous order, 1 hour has been reserved for the distinguished junior Senator from Massachusetts, to be assigned at some point today; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I inquire further about the distinguished Senator from New Hampshire, Mr. ROBERT SMITH. I believe he has 30 minutes, and again that is an undesignated time?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I think there are other designations of time we should recite.

The PRESIDING OFFICER. Senator Inhofe from Oklahoma has 10 minutes; Senator Snowe from Maine has 30 minutes.

Mr. WARNER. If those Senators will counsel with the managers, we are going to do everything we can to arrange for their recognition at a time mutually convenient.

I see the distinguished junior Senator from Massachusetts on the floor. It may well be that we could proceed with that, but I shall defer to my colleague momentarily.

SCHEDULE
For the benefit of the Senate, we will resume consideration of the Department of Defense authorization bill. At 1 o'clock, the Senate will begin 2 hours of debate on the McCain amendment regarding soft money disclosure. That 2 hours will be equally divided between the sponsors of that amendment and the Senator from Virginia.

Following that debate, Senator Kennedy will be recognized to offer an amendment regarding health care management organizations. Under a previous order, there will be up to 2 hours of debate on the Kennedy amendment, again, with the time equally divided between Kennedy proponents and the Senator from Virginia and/or his designee.

Votes will occur at approximately 5 o'clock. Senators should be aware, other amendments may be offered during the morning session. Therefore, votes may occur prior to the 1 o'clock orders.

I thank my colleagues. I know the distinguished minority whip seeks recognition on a matter. Mr. REID, Mr. President, the only correction I make is that the amendment will be offered by Senator
DASCHLE or his designee, rather than Senator KENNEDY.

Mr. WARNER. I thank the distinguished Senator. Yesterday I believe the Senator brought that to my attention and we failed to record it. My statement is so worded by the distinguished Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, on behalf of Senator CONRAD, I ask unanimous consent, under rule VI, paragraph 2, he be permitted to be absent from the service of the Senate today, Thursday, June 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I propose to my ranking member that as soon as we conclude our opening remarks, the Senate then recognize the junior Senator from Massachusetts for a period of 1 hour; is that correct?

Mr. KERRY. Mr. President, my two colleagues, the Senator from Connecticut and the Senator from Rhode Island would like to take a moment to acknowledge our distinguished visiting colleagues, the Senator from Connecticut.

Mr. WARNER. Mr. President, I am delighted to welcome Father Philip Smith, the president of Providence College, our guest Chaplain.

Providence College is an extraordinary institution in my home State of Rhode Island. It is a place where many of my neighbors and friends have been educated. More than that, it has been a source of strength, purpose, and inspiration for the whole community. Father Smith is the 11th president of Providence College and has been a paramount figure for his institution and for the State of Rhode Island.

Providence College is a Dominican college, a college committed not only to developing the minds but the character of its students. Its leader is a theologian, a scholar, and a leader in his own right. His leadership is not simply intellectual; he is a leader of integrity and of commitment.

Rhode Island is proud of Providence College, and I am particularly proud of the president of Providence College, Rev. Philip Smith. It was an honor to have him in the Chamber today to lead us in prayer. I thank him and I commend him. I wish him well.

I yield.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, at this juncture I sought to ask to associate myself with the amendments of the distinguished Senator from Rhode Island. He has spoken eloquently about Father Philip Smith and his wonderful leadership at Providence College.

I am honored to be a graduate of Providence, as was my father. I have fond memories of my years there, as my father did in his undergraduate days.

Father Smith led this institution most admirably during his tenure. We are delighted and honored he is performing the duties of assistant chaplain here today. I commend him for his opening prayer.

The Dominican priests are known as the order of preachers, Mr. President. Certainly Father Smith eloquently displayed that historic reputation of the Dominican order. The lives of the students who have attended Providence College have been so admirably altered as a result of the education of this wonderful institution. I know they join me in expressing our gratitude, not only to Father Smith but the faculty and administrators and others over the years who provided literally thousands of students and families with a wonderful educational opportunity in liberal arts, medicine and health, a very diverse academic curricula that is offered at Providence College. But also as my colleague from Rhode Island has adequately and appropriately identified, it is the spiritual leadership as well which we appreciate immensely.

It is truly an honor to welcome Father Smith to this Chamber, to thank him for his words, and to wish him and the entire family of Providence College the very best in the years to come.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

Mr. WARNER. Mr. President, for the information of the Senate, I would like to pose a unanimous consent request with regard to the sequencing of speakers.

We have the distinguished Senator from Massachusetts who has, under a previous order, 1 hour. I suggest he be the first and lead off this morning, followed by the distinguished Senator from Maine, the chair of the Senate Seapower Subcommittee, and that would be for a period of 30 minutes thereafter. Following that, the distinguished ranking member and I have some 30 cleared amendments which we will offer to the Senate following these two sets of remarks.

Then Senator SMITH; as soon as I can reach him, I will sequence him in.

I just inform the Senate I will be seeking recognition to offer an amendment on behalf of Senator Dodd and myself, and I will acquaint the ranking member with the text of that amendment shortly.

Just for the moment, the unanimous consent request is the Senator from Massachusetts, followed by the Senator from Rhode Island period of time, probably not to exceed 30 minutes, for the ranking member and myself to deal with some 30 odd amendments.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan. Mr. LEVIN. Mr. President, I would add the following: It is my understanding of the unanimous consent agreement that recognition of the members who are listed here with a fixed period of time, including Senator KERRY, Senator SMITH, Senator SNOWE, and Senator INHOFE, is solely for the purpose of debate and not for the purpose of offering an amendment. Is the Senator correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN, I thank the Chair. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the chairman and ranking member for their courtesy and I appreciate the time of the Senate to be able to discuss an issue of extraordinary importance. It is an issue that is contained in this bill. It is a line item in this bill of some $85 million with respect to the issue of national missile defense.

President Clinton has just returned from his first meeting with the new Russian President, Vladimir Putin, and arms control dominated their agenda, in particular, the plan of the United States to deploy a defense against ballistic missiles is, in fact, complex—tremendously complex. I want to take some time today to walk through the issues that are involved in that debate and to lay bare the implications it will have for the national security of the United States.

No American leader can dismiss an idea that might protect American citizens from a legitimate threat. If there is a real potential of a rogue nation, as Stalin knew, firing a few missiles at any city in the United States, responsible leadership requires that we make our best, most thoughtful efforts to defend against that threat. The same is true of the potential threat of accidents. I believe one of the things happened no leader could explain away not having chosen to defend against such a disaster when doing so made sense.
The questions before us now are several. Does it make sense to deploy a national missile defense now, unilaterally, if the result might be to put America at even greater risk? Do we have more time to work with allies and other countries, given the rapid technological advances, and the nonthreatening way of proceeding? Have the threats to which we are responding been exaggerated, and are they more defined by politics than by genuine threat assessment and scientific fact? Have we sufficiently explored various technologies and architectures so we are proceeding in the most thoughtful and effective way?

The President has set out four criteria on which he will base his decision to deploy an NMD: The status of the threat, the status and effectiveness of the proposed system's technology, the cost of the system, and the likely impact of deploying such a system on the overall strategic environment and U.S. arms control efforts in general. In my judgment, in time of war none of these criteria are met to satisfaction.

While the threat from developing missile programs has emerged more quickly than we expected, I do not believe it justifies a rush to action on the proposed system, which is far from technologically sound and will probably not even provide the appropriate response to the threat as it continues to develop. More importantly, a unilateral unilateral decision of the United States to deploy an NMD system could undermine global strategic stability, damage our relationship with key allies in Europe and Asia, and weaken our continuing efforts to reduce the nuclear danger.

Turning first to the issue of the threat that we face, this question deserves far greater scrutiny than it has thus far received. I hear a number of colleagues, the State Department, and others, saying: Oh, yes, the threat exists. Indeed, to some degree the threat we face, however uncer- tain, I do not believe someone in public life can responsibly tell them: We will confront the emerging ballistic missile threat.

Even as we have made progress with Russia on reducing our cold war arsenals, ballistic missile technology has spread, and the threat to the United States and our friends and allies by rogue powers has grown. The July 1998 Rumsfeld report found that the threat from developing ballistic missile states, especially North Korea, Iran, and Iraq, is developing faster than expected and undermines the threat we are faced with to the U.S. homeland in the next 5 years. That conclusion was reinforced just 1 month later when North Korea tested a three-stage Taepo Dong-1 missile, launching it over Japan and raising tensions in the region. While the missile's third stage failed, the test confirmed that North Korea's program for long-range missiles is advancing toward an ICBM capability that could ultimately—and I stress ultimately—threaten the United States, as surely as it does threaten our troops and our allies in the region today.

A 1999 national intelligence estimate on the ballistic missile threat found that in addition to the continuing threat from Russia, the United States faces a developing threat from North Korea, Iran, and Iraq.

In addition to the possibility that North Korea might convert the Taepo Dong-1 missile into an inaccurate ICBM capable of carrying a light payload to the United States, the report found that North Korea could weaponize the larger Taepo Dong-2 to deliver a crude nuclear weapon to American shores, and it could do so at any time, with little warning. The NIE also found that, in the next 15 years, Iran could test an ICBM capable of carrying a nuclear weapon to the United States—and certainly to our allies in Europe and the Middle East—and that Iran might be able to do the same in a slightly longer time frame.

The picture of the evolving threat to the United States from ballistic missile programs in hostile nations has changed minds in the Senate about the necessity of developing and testing a national missile defense. It has changed my mind about what might be appropriate to think about and to test and develop.

If Americans in Alaska or Hawaii must confront this threat, however uncertain, I do not believe someone in public life can responsibly tell them: We will not look at or take steps to protect you.

But as we confront the technological challenges and the political ramifications of developing and deploying a national missile defense, we are compelled to take a closer look at the threat we are rushing to meet. I believe the threat from North Korea, in particular, is an immediate threat, not only to the United States, but to our friends and neighbors, and that we confront today much greater, much more immediate dangers, from which national missile defense cannot and will not protect us.

To begin, it is critical to note that both the Rumsfeld Commission and the National Intelligence Estimate adopted new standards for assessing the ballistic missile threat in response to political pressures from the Congress. The 1995 NIE was criticized for underestimating the threat from rogue missile programs. Some in Congress accused the administration of deliberately downplaying the threat to undermine their call for a national missile defense.

To get the answer that they were looking for, the Congress then established the Rumsfeld Commission to review the threat. Now, that commission was made up of some of the best minds in U.S. defense policy—both supporters and skeptics of national missile defense. I do not suggest the commission's report was somehow fixed. These are people who have devoted their lives in honorable service to their country. The report reflects no less than their best assessment of the threat.

But in reaching the conclusions that have alarmed so many about the immediacy of the threat, we must responsibly take note of the fact that the commission did depart from the standards we had traditionally used to measure the threat.

First, the commission reduced the range of ballistic missiles that we consider to be a threat from missiles that can reach the continental United States to those that can only reach Hawaii and Alaska.

I think this is a minor distinction because, as I said earlier, no responsible leader is going to suggest that you should leave Americans in Hawaii or Alaska exposed to attack. But certainly the only reason to hit Hawaii or Alaska, if you have very few weapons measured against other targets, is to wreak terror. And inasmuch as that is the only reason, one has to factor in the threat analysis in ways they did not.

Secondly, it shortened the time period for considering a developing program to be a threat from the old standard which measured when a program could actually be deployed to a new standard of when it was simply tested.

Again, I would be willing to concede this as a minor distinction because if a nation were to be intent on using one of these weapons, it might not wait to meet the stringent testing requirements that we usually try to meet before deploying a new system. It could just test a missile, see that it works, and make plans to use it.

These changes are relatively minor, but they need to be acknowledged and factored into the overall discussion.

But the third change which needs to be factored in is not insignificant because both the Rumsfeld Commission and the 1999 NIE abandoned the old standard that a nation would use its missile capacity in favor of a new standard of whether a nation simply has the relevant capacity for a missile attack,
with no analysis whatsoever of the other factors that go into a decision to actually put that capability to use.

This is tremendously important because, as we know from the cold war, threat is more than simply a function of capabilities. It is a function of perception, situation and other political and military considerations. Through diplomacy and deterrence, the United States can alter the intentions of nations that pursue ballistic missile programs and so alter the threat those nations pose to us.

This is not simply wishful thinking. There are many examples today of nations who possess the technical capacity to attack the United States, but whom we do not consider a threat. India and Pakistan have made dramatic progress in developing medium-range ballistic missile programs. But the intelligence community does not consider India and Pakistan to pose a threat to U.S. interests. Their missile capacity alone does not translate into a threat. They do not hold aggressive intentions against us.

Clearly, North Korea is a very different case. We are hostile to us, and our ability to use diplomacy to reduce the threat they pose will be limited. But having the capacity to defend ourselves and an animus toward us does not automatically translate into the intention to use weapons of mass destruction against us.

In the 40 years that we faced the former Soviet Union, we never anticipated an ability to destroy each other, neither side resorted to using its arsenal of missiles. Why not? Because even in periods of intense animosity and tension, under the most unpredictable and isolated of regimes, political and military deterrence has a powerful determining effect on a nation’s decision to use force. We have already seen this at work in our efforts to contain North Korea’s nuclear and missile programs. We saw it at work in the gulf war when Saddam Hussein was deterred from using his weapons of mass destruction by the sure promise of a devastating response from the United States.

During the summer of 1999, intelligence reports indicated that North Korea was preparing the first test-launch of the Taepo Dong-2. Regional tensions rose, as Japan, South Korea and the United States warned Pyongyang that it would face serious consequences if it went ahead with an other long-range missile launch. The test was indefinitely delayed, for “political reasons,” which no doubt included U.S. military deterrence and the robust diplomatic efforts by the United States and its key allies in the region.

Threatening to cut off nearly $1 billion of food assistance and KEDO funding to North Korea should the test go forward, while also holding out the possibility of easing economic sanctions if the test were called off, helped South Korea and Japan ready the United States to make the case to Pyongyang that its interests would be better served through restraint. An unprecedented dialogue between the United States and North Korea, initiated by former Secretary of Defense William Perry during the height of this crisis, continues today. It aims to verifiably freeze Pyongyang’s missile programs and end 50 years of North Korea’s economic sanctions.

Acknowledging that these political developments can have an important impact on the threat, the intelligence community, according to a May 19 article in the Los Angeles Times, will reflect in its forthcoming NIE that the threat from North Korea’s missile program has eased since last fall. And if it has eased since last fall, indeed, we should be thinking about the urgency of decisions we make that may have a profound impact on the overall balance of power.

In short, even as we remain clear-eyed about the threat these nations pose to American interests, we must not look at the danger as somehow preordained or unavoidable. In cooperation with our friends and allies, we must vigorously explore the tools of diplomacy to reduce the threat. We must redouble our efforts to stop the proliferation of these deadly weapons. We cannot just dismiss the importance of U.S. military deterrence.

Only madmen, only the most profoundly detached madmen, bent on self-destruction, would launch a missile. We know that if they were mad enough, they would invite the most swift and devastating response. One or two or three missiles fired by North Korea or Iraq would leave a clear address of who the sender was, and there is no question that the United States would have the ability to eliminate them from the face of this planet. All people would recognize that as an immediate and legitimate response.

My second major concern about the current debate over the missile threat is that it does nothing to address equally dangerous but more immediate and more likely threats to U.S. interests.

For one, U.S. troops and U.S. allies today confront the menace of theater ballistic missiles, capable of delivering chemical or biological weapons. We saw during the gulf war how important theater missile defense is to maintaining allied unity and enabling our troops to focus on their mission. We must continue to push this technology forward regardless of whether we deploy an NMD system.

The American people also face the very real threat of terrorist attack. The 1999 State Department report on Patterns of Global Terrorism shows that while the threat of state-sponsored terrorism against the U.S. is declining, the threat from nonstate actors, who increasingly have access to chemical and biological weapons, and possibly even small nuclear devices, is growing. These terrorist groups are most likely to attack us covertly, quietly slipping explosives into a building, unleashing chemical weapons into a crowded subway, or sending a crude nuclear weapon into a busy harbor.

An NMD system will not protect American citizens from any of these more immediate and more realistic threats. Furthermore, on the issue of the missile threat we are confronting, I remain deeply concerned about Russia’s command and control over its nuclear forces. Russia has more than 6,000 strategic missiles armed with nuclear warheads. Maintaining these missiles on high alert significantly increases the threat of an accidental or an unauthorized launch. In 1995, the Russian military misidentified a U.S. weather rocket launched from Norway as a possible attack on the Russian Federation. With Russia’s strategic forces already on high-alert, President Yeltsin and his advisors had just minutes to decide whether to launch a retaliatory strike on the United States. And yet, in an effort to reassure Russia that the proposed missile defense will not prompt an American first strike, the administration seems to be encouraging Russia to, in fact, maintain its strategic forces on high alert for a quick, annihilating counterattack that would overwhelm the proposed limited defense they are offering.

In effect, in order to deploy the system the administration is currently defending, we are prepared to have Russia maintain a bad command-and-control system weapons on hair trigger or targeted in order to maintain the balance.

In sum, the threat from rogue missile programs is neither as imminent nor as mutable as some have argued. We have time to use the diplomatic tools at our disposal to try to alter the political calculation that any nation might make before it decided to use ballistic missile capacity.

Moreover, the United States faces other, more immediate threats that will not be met by an NMD. To meet the full range of threats to our national security, we need to simultaneously address the emerging threat from the rogue ballistic missile program, maintain a vigorous defense against theater ballistic missiles and acts of terrorism, and avoid actions that would undermine the strategic stability we have fought so hard to establish.

Let me speak for a moment now about the technology. In making his decision, the President will also consider the technological readiness and effectiveness of the proposed system. Again, I have grave concerns that we are sacrificing careful technical development of this system for an artificial deadline. And, may I say, those concerns are shared by people far more expert than I am. Moreover, even if the proposed system were to work as planned, I am not convinced it would provide the most effective defense against a developing missile threat.

Let’s look for a moment at the system currently under consideration. The
administration has proposed a limited system to protect all 50 States against small-scale attacks by ICBMs. In the simplest terms, this is a ground-based, hit-to-kill system. An interceptor fired from American soil would attempt to destroy the incoming missile directly. Most of the components of this system are already developed and are undergoing testing. It will be deployed in 3 phases and is to be completed by about 2010, if the decision to deploy is made this year. The components will include 200, 250 interceptors deployed in Alaska and North Dakota, to be complemented by a sophisticated array of upgraded early-warning radars and satellite-based launch detection and tracking systems. I have two fundamental questions about this proposed system: Will the technology work as intended, and is the system the most appropriate and effective defense against this defined threat?

There are three components to consider in answering the first question: The technology’s ability to function at the most basic level, its operational effectiveness against real world threats, and its reliability. I do believe the compressed testing program and decision deadline permit us to come close to drawing definitive conclusions about those three fundamental elements of readiness.

In a Deployment Readiness Review scheduled for this year, the Pentagon will assess the system, largely on the results of three intercept tests. The first of these in October of 1999 was initially hailed as a success because the interceptor did hit the target, but then, on further examination, the Pentagon conceded that the interceptor had initially been confused, it had drifted off course, ultimately heading for the decoy balloon, and possibly striking the dummy warhead only by accident. In June of this year, the system was ready to deploy until 2003 at the earliest to allow key program elements to be fully tested and proven. The concerns of the Welch Panel were reinforced by the release in February 2000 of a report by the Defense Department’s office of the operational test and evaluation (DOT&E).

The Coyle report decried the undue pressure being applied to the national missile defense testing program and warned that rushing through testing to meet artificial decision deadlines has “historically resulted in a negative effect on virtually every troubled DOD development program.” The Report recommended that the Pentagon postpone its Deployment Readiness Review to allow for a thorough analysis and a clear understanding of the results of the third intercept test (now scheduled for early July), which will be the first “integrated systems” test of all the components except the booster.

The scientific community is concerned about more than the risks of a shortened testing program. The best scientific minds in America have begun to warn that even if the technology functions as planned, the system could be defeated by relatively simple countermeasures. The 1999 NIE that addressed the ballistic missile threat concluded that the same nations that are developing long-range ballistic missile systems could develop or buy countermeasure technologies by the time they are ready to deploy their missile systems.

J just think, we could expend billions of dollars, we could upset the strategic balance, we could initiate a new arms race, and we would get a system that withstands remarkably simple, inexpensive countermeasures. Now, there is a stroke of brilliant strategic thinking. The proposed national missile defense is an exo-atmospheric system, meaning the interceptor is intended to hit the target after the boost phase when it has left the atmosphere and before reentry. An IBM releases its payload of bomblets, or submunitions, or warheads, or warheads, after the boost phase. If that payload were to consist of more than simply one warhead, then an interceptor would have more than one target with which to contend after the boost phase.

The report of the Concerned Scientists recently published a thorough technical analysis of three countermeasures that would be particularly well suited to overwhelming this kind of system, chemical and biological weapons, and heat waves. North Korea, Iran, and Iraq are all believed to have programs capable of weaponizing chemical and biological weapons which are cheaper and easier to acquire than the most rudimentary nuclear warheads.

The most effective means of delivering a CBW, a chemical-biological warfare warhead on a ballistic missile, is not to deploy one large warhead filled with the agent but to divide it up into many as 100 submunitions, or bomblets. There are few technical barriers to weaponizing CBW this way, and it allows the agents to be dispersed over a large area, inflicting maximum casualties. Because the limited NMD system will not be able to intercept a missile containing the CBW, it will be dispersed, it could quickly be overpowered by just three incoming missiles armed with bomblets—and that is assuming every interceptor hits its target. Just one missile carrying 100 targets would pose a formidable challenge to the system being designed with possibly devastating effects.

The exo-atmospheric system is also vulnerable to missiles carrying nuclear warheads armed with decoys. Using countermeasures, an attacker would disguise the nuclear warhead to look like a decoy by placing it in a lightweight balloon and releasing it along with a large number of similar but empty balloons. Using simple technology to raise the temperature in all of the balloons, the attacker could make the balloon containing the warhead indistinguishable to infrared radar from the empty balloons, forcing the defensive system to shoot down every balloon in order to protect the warhead. By deploying a large number of balloons, an attacker could easily overwhelm a limited national missile defense system. Alternately, by covering the warhead with a shroud cooled by liquid nitrogen, an attacker could disguise the warhead in an infrasrad radiation by a factor of at least 1 million, making it incredibly difficult for the system’s sensors to detect the warhead in time to hit it. I should mention that I touched very cursorily on the simplest countermeasures that could be available to an attacker with ballistic missiles, but I believe this discussion raises serious questions about...
a major operational vulnerability in the proposed system and about whether this system is the best response to the threats we are most likely to face in the years ahead. I don’t believe it is. There is a simpler, more sensible, less threatening, more manageable approach to missile defense that deserves greater consideration. Rather than pursuing the single-layer exo-atmospheric system, I believe we should focus our research efforts on developing a forward-deployed, boost phase intercept system. Such a system would build on the current technology of the Army’s land-based theater high altitude air defense, THAAD, and the Navy’s sea-based theaterwide defense system to provide forward-deployed defenses against both theater ballistic missile threats and long-range ballistic missile threats in their boost phase. The Navy already deploys the Aegis fleet air defense system. An upgraded version of this systems would be stationed off the coast of North Korea or in the Mediterranean or in the Persian Gulf to shoot down an ICBM in its earliest and slowest stage. The ground-based THAAD system could be similarly adapted to meet the long-range and theater ballistic missile threats. Because these systems would target a missile in its boost phase, they would eliminate the current system’s vulnerability to countermeasures. This approach could also be more narrowly targeted to specific threats, and it could be used to extend ballistic missile protection to U.S. allies and to our troops in the field.

As Dick Garwin, an expert on missile defense and a member of the Rumsfeld Commission has so aptly argued, the key advantage to the mobile forward-deployed missile defense system is that rather than having to create an impenetrable umbrella over the entire U.S. territory, it would only require us to put a lid over the smaller territory of an identified rogue nation or in a location where there is the potential for an accidental launch. A targeted system, by explicitly addressing specific threats, would be much less destabilizing than a system designed only to protect U.S. soil. It would reassure Russia that we do not intend to undermine its nuclear deterrent, and it would enable Russia and the United States to continue to reduce their nuclear arsenals. But it would reduce U.S. allies that they will not be left vulnerable to missile threats and that they need not consider deploying nuclear deterrents of their own. In short, this alternative approach could do what the proposed national defense system will not do: It will make us safer.

There are two major obstacles to deploying a boost phase system, but I believe both of those obstacles can and must be overcome. First, the technology is not yet there. The Navy’s theaterwide defense system was designed to shoot down cruise missiles and other threats to U.S. warships. Without much faster intercept missiles than are currently available, the system would not be able to stop a high speed ICBM, even in the relatively slow boost phase. The THAAD system, which continues to face considerable engineering challenges and testing phases, is also being designed to stop ballistic missiles, but it hasn’t been tested yet against the kinds of high speeds of an ICBM.

Which raises the second obstacle to deploying this system: the current interpretation of the ABM Treaty, as embodied in the 1997 demarcation agreements between Russia and the United States, does not allow us to test or deploy a theater ballistic missile system capable of shooting down an ICBM. I will address this issue a little more in a moment, but let me say that I am deeply disturbed by the notion that we should withdraw from the ABM Treaty and unilaterally deploy an ABM system, particularly the kind of system I have described. In the long run, such a move would undermine U.S. security rather than advance it. It is possible—and I believe necessary—to reach an agreement with Russia on changes to the ABM Treaty that would allow us to deploy an intelligent and mutual way that does not upset the balance. I want to briefly address the issue of cost, which I find to be the least problematic of the four criteria under consideration. Those who oppose the idea of a missile defense point to the fact that, in the last forty years, the United States has spent roughly $120 billion trying to develop an effective defense against ICBMs. And because this tremendous investment has still not yielded definitive results, they argue that we should abandon the effort before pouring additional resources into it. I disagree. I believe that we can certainly afford to devote a small portion of the Defense budget to develop a workable national missile defense. The projected cost of doing so varies—from roughly $4 billion to develop a boost phase intercept system to an estimated $60 billion to deploy the three-phase ground-based system currently under consideration by the Administration. These estimates will probably be revised upward as we confront the inevitable roadblocks and delays. But, spread over the next 10 years, I believe we can well afford this relatively modest investment in America’s security, provided that our research efforts focus on developing a realistic response to the emerging threat.

My only real concern about the cost of developing a national missile defense is in the perception that addressing this threat somehow makes us safe from the myriad other threats that we face. We must not allow the debate over NMD to hinder our cooperation with Russia, China, and our allies to stop the proliferation of WMD and ballistic missile technology. In particular, we must remain steadfast in our efforts to reduce the dangers posed by the enormous weapons arsenal of the former Soviet Union. Continued Russian cooperation with the expanded Comprehensive Test Ban Treaty programs will have a far greater impact on America’s safety from weapons of mass destruction than deploying an NMD system. We must not sacrifice the one for the other.

Let me go to the final of the four considerations the President has set forward because I believe that a unilateral decision to deploy a national missile defense system would have a disastrous effect that is international strategic and political environment. It could destabilize our already difficult relationships with Russia and China and undermine our allies’ confidence in the reliability of our international commitment. It would jeopardize current hard fought arms control agreements, and it could erode more than 40 years of U.S. leadership on arms control.

The administration clearly understands the dangers of a unilateral U.S. deployment. President Clinton was not able to reach agreement with the Russian President, but he has made progress in convincing the Russian leadership that the ballistic missile threat is real. To be clear, I don’t support the administration’s current proposal, but I do support its effort to work out with Russia this important issue. The next administration needs to work out with Russia this important issue. The next administration needs to follow the Administration’s current proposal, but I do support its effort to work out with Russia this important issue. The next administration needs to work out with Russia this important issue. The next administration needs to
So continued cooperation with Russia on these arms control programs is critical. Furthermore, no matter how transparent we are with Russia about the intent and capabilities of the proposed system, Russia’s military leadership will view a unilateral U.S. deployment as a direct threat to their deterrence capacity. And while Russia doesn’t have the economic strength today to significantly enhance its military capabilities, there are clear examples of Russia’s effort to wield formidable military power when it wants. We must not allow a unilateral NMD deployment to provoke the Russian people into setting aside the difficult but necessary tasks of democratization and economic reform in a vain effort to return to Russia’s days of military glory.

Finally, with regard to Russia, a unilateral deployment by the United States would jeopardize our cooperation on a whole range of significant issues. I regret to say that, if Russia cooperation will continue to be important on matters stopping Teheran’s proliferation efforts and containing Iraq’s weapons programs to promoting stability in the Balkans.

Who would have thought of a limited U.S. system on Russian security considerations would be largely perceptual, at least as long as that system remains limited, its impact on China’s strategic posture is real and immediate. China today has roughly 200 long-range missiles. The proposed system would undermine China’s strategic deterrent as surely as it would contain the threat from North Korea. And that poses a problem because, unlike North Korea, China has the financial resources to build a much larger arsenal.

The Pentagon believes it is likely that China will increase the number and sophistication of its long-range missiles just as part of its overall military modernization effort, regardless of what we do on NMD. But as with Russia, if an NMD decision is made without consultation with China, the leadership in Beijing will perceive the deployment as at least partially directed at them. And given the recent strain in U.S.-China relations and uncertainty in the Taiwan Strait, the vital U.S. national interest in maintaining stability in the Pacific would, in fact, be greatly undermined by such a decision made too quickly.

Nobody understands the destabilizing effect of a unilateral U.S. NMD decision better than our allies in Europe and in the Pacific. The steps that Russia and China would take to address their insecurities about the U.S. system will make their neighbors less secure. And a new environment of competition and distrust will undermine regional stability by impeding cooperation on proliferation, drug trafficking, transnational issues, and all the other transnational problems we are confronting together. So I think it is critical that we find a way to deploy an NMD without sending even a hint of a message that the security of the American people is becoming decoupled from that of our allies. In Asia, both South Korea and Japan have the capability to deploy nuclear programs of their own. Neither has done so, in part, because both have great confidence in the integrity of their guaranteeshed and in the U.S. nuclear umbrella that extends over them. They also believe that, while China does aspire to be a regional power, the threat it poses is best addressed through engagement and efforts to integrate China in the international community. Both of these assumptions would be undermined by a unilateral U.S. NMD deployment.

First, our ironclad security guarantees will be perceived by the Japanese, by the South Koreans, and others, as somewhat rusty if we pursue a current NMD proposal to create a shield over the U.S. territory. U.S. cities would no longer be vulnerable to the same threats that Boston or Paris or Tokyo would continue to face. And so they would say: Well, there is a decoupling; we don’t feel as safe as we did. Maybe now we have to make decisions to nuclearize ourselves in order to guard our own security. China’s response to a unilateral U.S. NMD will make it, at least in the short term, a far greater threat to regional stability than it poses today. If South Korea and Japan change their perceptions of the U.S. willingness to protect them, they could both be motivated to explore independent means of boosting their defenses. Then it becomes a world of greater tensions, not lesser tensions. It becomes a world of greater hair-trigger capacity, not greater safety-lock capacity.

Our European allies have expressed the same concerns about decoupling as I have expressed about Asia. We certainly cannot play, regarding what they fear the same game that Great Britain, France, and Germany will make about the impact of the U.S. NMD system. But I believe their concerns hinge largely on the affect a unilateral decision would have on Russia, concerns that would be greatly ameliorated if we make the NMD decision with Russia’s cooperation.

Finally, much has been made of the impact a U.S. national missile defense program would have on the security that we face from North Korea. But that would be a different decision—the ABM Treaty and the ABM decision with Russia’s cooperation.

We must not allow a unilateral NMD deployment to provoke the Russian people into setting aside the difficult but necessary tasks of democratization and economic reform in a vain effort to return to Russia’s days of military glory.
making us safer, would only invite a response and an escalation of the danger. There is no reason to believe that a unilateral move by the United States to alter the strategic balance would not have the same affect today as it had 40 years ago. At the very least, it would stop and probably reverse the progress we have made on strategic reductions. And it will reduce our capacity to cooperate with Russia on the single greatest threat we face, which are the "loose nukes" existing in the former Soviet Union.

Under START I levels, both sides agree to reduce those arsenals to 6,500 warheads. Under START II, those levels come down to 3,500 warheads. And we are moving toward further reductions in our discussions on START III, down to 2,000 warheads. With every agreement, the American people are safer. A unilateral withdrawal from the ABM Treaty would stop this progress in its tracks. No NMD system under construction could be as safe enough to justify such a reckless act.

I strongly disagree with my colleagues who argue that the United States is no longer bound by our legal obligations under the ABM Treaty. The president has ever withdrawn us from the Treaty, and President Clinton has reaffirmed our commitment to it. We retain our obligations to the Treaty under international law, and those obligations continue to serve us well. It would have never been possible to negotiate reductions in U.S. and Soviet strategic forces without the ABM Treaty's limit on national missile defense. The Russians continue to underscore that linkage. And since, as I've already argued, Russia's strategic arsenal continues to pose a serious threat to the United States and her allies, we must not take steps—including the unilateral withdrawal from the ABM Treaty—that will undermine our efforts to reduce that threat.

However, the strategic situation we confront today is worlds apart from the one we faced in 1972, and we must not artificially limit our options as we confront the emerging threats to our security. Under the forward-deployed boost-phase system I have described, the United States would need to seek Russian agreement to change the 1997 ABM Treaty Demarcation agreements, which establish the line between theater and strategic systems in 1972. But not limited by the Treaty and the strategic defenses the Treaty proscribes. In a nutshell, these agreements allow the United States to deploy and test the PAC-3, THAAD and Navy Theater-Wide TMD systems, but prohibit us from developing or testing capabilities that would enable these systems to shoot down ICBMs.

As long as we are discussing ABM Treaty amendments with Russia, we should listen to them to develop a new concept of strategic defense. A boost-phase intercept program would sweep away the line between theater and long-range missile defense. But by limiting the number of interceptors that could be deployed and working with Russia, China, and our allies, so that we move multilaterally, we can maximize the transparency of the system, we can strike the right balance between the threat and the threat to our allies, and without abandoning the principles of strategic stability that have served us well for decades.

The most important challenge for U.S. national security planners in the years ahead, I believe, is to work with our friends and allies to develop a defense against the threat that has been defined. But how we respond to that threat is critical. We must not rush into a politically driven decision on something as critical as this; on something that has the potential by any rational person's thinking to make us less secure—not more secure.

I urge President Clinton to delay the deployment decision indefinitely. I believe, even the threat we face is real and growing, that it is not imminent. We have the time. We need to take the time to develop and test the most effective defense, and we will need time to build international support for deploying a limited, effective system.

I believe that support will be more forthcoming when we are seen to be responding to a changing security environment rather than simply buckling to political pressure.

For 40 years, we have led international efforts to reduce and contain the danger from nuclear weapons. We can continue that leadership by exploiting our technological strengths to find a system that will extend that defense to our friends and allies but not abrogate the responsibilities of leadership with a hasty, shortsighted decision that will have lasting consequences.

I hope in the days and months ahead my colleagues will join me in a thoughtful and probing analysis of these issues so we can together make the United States and not simply make this an issue that falls prey to the political dialog in the year 2000.

I thank my colleagues for their time. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 30 minutes.

Ms. SNOWE. I thank the President.

I would like to commend our Chairman, Senator JOHN WARNER, who has provided extraordinary leadership in crafting this measure which supports our men and women in uniform with funding for the pay, health care, and hardware that they need and the kind of no one with greater credibility on these issues or a wider breadth of knowledge, and I thank him for his outstanding efforts.

I also want to thank the distinguished Senator from Michigan, Senator LEVIN, who also made invaluable contributions to the development of this reauthorization.

This critical legislation which we are considering here today, with our distinguished chairman, and the bipartisan support of the ranking member, Senator LEVIN, the senior Senator from Michigan, represents the committee's efforts to legislate to meet the realities of the national security threats, and recognizes the sacrifices of those who are at the heart of the legislation—the men and women who serve in our Nation's Armed Forces.

As a member of the Armed Services Committee and chair of the Seapower Subcommittee, I know we cannot ever forget that the men and women in uniform are the ones who make our Nation's defense force the finest and strongest in the world, and I salute each of them for their unwavering service.

We are honor bound to ensure that they are provided the very best equipment, afforded the highest respect, and compensated at a level commensurate with their remarkable service to this country and to America. And I believe this bill reflects those principles.

Since the end of the cold war we have reduced the overall military force structure by 36 percent and reduced the defense budget by 40 percent—a trend that this bill reverses.

And let me say that comes not a moment too soon. Because while the size of our armed services has decreased, the number of contingencies that our service members are called on to respond to has increased in a fashion that can only be described as dramatic.

In fact, the Navy/Marine Corps team alone responded to 58 contingency missions between 1980 and 1989, while between 1990 and 1999 they responded to 192—a remarkable threefold increase in operations.

During the cold war, the U.N. Security Council rarely approved the creation of peace operations. In fact, the U.N. implemented only 13 such operations between 1948 and 1978, and none from 1979 to 1987. By contrast, since 1988—just twelve years ago—38 peacekeeping operations have been established—nearly three times as many as the previous 40 years.

As a result of the challenges presented by having to do more with less, the Armed Services Committee has heard from our leaders in uniform on how our current military forces are being stretched too thin, and that estimates presented in the QDR underestimated how much the United States would be using our military.

I fully support this bill which authorizes $309.8 billion in budget authority, an amount which is consistent with the concurrent budget resolution. For the second year in a row—we recognize the shortfall and reverse a 14-year decline by authorizing a real increase in defense spending. This funding is $4.5 billion above the President's fiscal year 2001 request, and provides a necessary increase in defense spending that is vital if we are to meet the national security challenges of the 21st century.
While struggling to maintain forward presence in the western Pacific and Middle East, the United States had to curtail air operations in parts of the former Yugoslavia due to the advent of precision weapons. In order to meet immediate needs, the Navy must retain older DDG-51s and build more of them. When a new destroyer, the DDG-21, becomes available later in the decade, the Navy would like to purchase an additional 16 ships beyond the 32 they are scheduled to buy.

So far, the Navy has been able to perform its missions and respond to crises. This is unlikely to remain true in the future. The size of the navy has shrunk by nearly half since the last peak force of well over 500 ships at the end of the Cold War, the navy is reduced to some 300 ships today. The mathematics of the problem are simple: At least half the size of the current force or more will have to be added to perform eight times the missions an effective 16-fold increase in its required operational tempo. This increased burden results in longer range, less maintenance, lower morale and less time on-station. Ultimately, it means that on any given day, there will not be enough ships to meet all the missions and reduce the crises. The Navy understands the problem. In testimony before the House of Representatives this year, Vice Adm. Conrad Lautenbach, deputy chief of naval operations, stated that “it is no secret that our current resources of 316 ships is fully deployed and in many cases stretched thin to meet the growing national security demands.”

This is not merely the view from the headquarters. Adm. Dennis McGinn, commander Third Fleet, statement before the House Armed Services procurement subcommittee Feb. 29 that “Although I am receiving the necessary force tempo, I meet Fifth Fleet obligations, the fleet is stretched, and I am uncertain how much longer they can continue to juggle forces to meet the varied regional requirements, in support of Fleet’s.”

I am uncertain that we have the surge capabilities to a major theater contingency, or theater war. Eventually, the increased operational tempo on our fewer and fewer ships will take its toll on their availability and readiness.

The reality is that numbers matter, particularly for naval forces. This is due in part to the tyranny of distance that is imposed on every ship, whether or not it is steam-powered. For instance, 8,000 miles from the Navy’s home ports on both coasts, mean ships must travel from 10 to 14 days just to reach their forward deployed positions.

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The reality is that numbers matter, particularly for naval forces. This is due in part to the tyranny of distance that is imposed on every ship, whether or not it is steam-powered. For instance, 8,000 miles from the Navy’s home ports on both coasts, mean ships must travel from 10 to 14 days just to reach their forward deployed positions. Even deployments from Norfolk, Va., to the Caribbean take several days. The conventional wisdom is that in order to provide adequate rotation and maintain a tolerable operational tempo, an inventory of three ships is required for every one deployed forward.

However, when the time required for steering to and from global deployment areas, maintenance and overhaul, and training and shake downs of aircraft carriers, rises to four, five and even seven ships to one.

As a result of recent events such as Kosovo, in which U.S. naval forces in the western Pacific were stripped of their aircraft carrier in order to support naval operations in the Adriatic, public and congressional attention was focused on the inadequacy of the Navy’s inventory of aircraft carriers. The joint Chiefs of Staff published an attack submarine study that concluded the nation requires 68 attack boats instead of the 50 that it has in service today. Attention is particularly lacking on the Navy’s surface combatants. These are the destroyers and cruisers, the workhorses of the Navy for more than 60 years. As载体 and visible demonstrate forward presence, but due to the advent of precision strike systems and advanced communication and surveillance, increasingly are the principal combat forces deployed to a regional crisis.

A recent surface combatant study concluded that the Navy required up to 139 multimission warships to satisfy the full range of requirements and meet day-to-day operations. The new construction already planned, just to maintain its current operational tempo.

In order to meet immediate needs, the Navy may have to retain older DDG-51s and build more of them. When a new destroyer, the DDG-21, becomes available later in the decade, the Navy would like to purchase an additional 16 ships beyond the 32 they are scheduled to buy.

It is time for the administration, Congress and the American people to realize that U.S. national security and global stability could be damaged by no maintaining an adequate Navy. I paraphrase an old rhyme, for want of a surface combatant, forward presence was lost. For want of forward presence, an important ally was lost. For want of an ally, peace in the region was lost. For want of peace, the region itself was lost. And all this for the want of surface combatants.

Ms. SNOWE. Mr. President, this article describes the current state of the U.S. Armed Forces and how they are being stretched thin to meet the growing national security requirements of being able to fight and win two major theater wars.

Nowhere is the problem worse than for the Navy. This is due in large measure, to the Navy’s unique set of roles and missions. Unlike the other services which are now poised to combat the weapons of mass destruction by some means almost eight-fold—while the force posture has shrunk by more than a third. In testimony this year before Congress, senior Defense Department officials and the heads of the military services revealed the startling fact that by their own estimates the existing force posture is inadequate to meet the stated national security requirement of being able to fight and win two major theater wars.

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The Armed Forces Journal reported that in September 1998, Adm. J. Jay Johnson, chief of naval operations, told the Senate Armed Services Committee that “On any given day, one-third of the Navy’s forces are forward deployed. In addition, it must ensure freedom of the seas and, increasingly, provide time-asset for operations against the world’s littorals under the rubric of operations from the sea.”

It should be remembered that the 1999 military budget was $35 billion for additional sites in Afghanistan, which is land-locked, and Sudan, which has coastline only on the Red Sea, was accomplished solely by cruise missiles launched from U.S. Navy ships.

Naturally, naval forces are in demand during crisis and conflict and have made significant, and in some instances, singular contributions in military operations in the Baltic and Middle East.

In fact, since the end of the Cold War, the Navy has responded to some 80 crisis deployments in the last two years, while struggling to maintain forward presence in non-crisis regions.
a cross section of all ranks. The operational commanders provided convincing evidence that their commands do not have a sufficient number of ships and airplanes to carry out the National Security Strategy to shape the international environment and respond to crises within the required timeframe.

They further testified that the Navy has reduced the force structure to the extent that the brunt of the burden of this inadequate force structure is being borne by the men and women in their commands. Simply put, in the words of the Sixth Fleet commander:

Nine years ago, we never anticipated the environment in which we find ourselves operating. The sense that it was going to be a much easier load, that we might actually be able to take our pack off every now and again prevailed. And it for the most part underpinned the decline in defense spending in my estimation. We were wrong. And the facts have borne that out with ever increasing consistency in those nine years that have occurred.

And I quote the Second Fleet commander:

. . . back in the euphoric days at the end of the Cold War as we were drawing down, we actually figured that we would have a window of opportunity where we could afford to, in fact, decrease structure, turn some of that savings into a long-term recapitalization, maybe forego an upgrade or modernization here and there. And that just has not been the case.

In this article, Mr. Goure quotes Vice Admiral Charles Moore, commander of the U.S. Fifth Fleet, he states “I am uncertain how much longer they can continue to juggle forces to meet the varied regional requirements.”

And he further quotes Vice Admiral Dennis McGinn, commander of the Third Fleet, “that force structure throughout the Navy is such that an incremental commitment anywhere necessitates reduction of operations somewhere else, or a quality of life impact due to increased operating tempo.”

Again, those are the words of our commanders on the front lines charged with carrying out the day-to-day operations of our naval forces and to the challenges and requirements around the world.

It is noteworthy that these commanders state that the prediction of how much longer the Navy could hold forces could be reduced does not represent the reality of what is going on in the world.

I have two charts which I think explain graphically the numbers that are consistent with the commander’s explanations and characterizations of the demands that have been placed on them as a result of a reduced force structure, while at the same time increasing the number of responses to contingency operations. Both charts use the same time periods across the board. The charts track data in 4-year increments starting in 1980 and continuing through 1990. Each chart shows the 8 years before the cold war, 1980 through 1987, then the period between the end of the cold war and the beginning of the Quadrennial Defense Review in assessing exactly how many ships will be required to meet the security demands around the world. Here we have the ship force structure from 1980 to 1999.

I bring to my colleagues’ attention the last 8 years charted in the graphs, the time period between 1992 to 1996, which is before the Quadrennial Defense Review. 1996 shows the post Quadrennial Defense Review in terms of the number of ships we have. We have the ship force structure on the top chart, and on the bottom chart we have the number of contingency operations during these same time periods. These last two data points in these graphs are significant because they show the large force structure reductions of over 200 ships while at the same time the contingencies more than triple, from 31 to 103.

The QDR, we know, developed the exact force structure that was necessary for both the Navy and the Marine Corps in this instance to respond to the number of requirements around the world and what the world anticipated as a result of the reduction of operations would be the number of operations around the world. The QDR has anticipated there would be a rise in contingency operations but not to the extent to which they have occurred.

The first chart shows the ship force structure, the dramatic decline in the number of ships, both in decommissioning and in the reduction, and the number of new constructions. At its peak during the cold war, we were up to 900, going towards a 2000 ship Navy. We can see we had 500 ships in 1980 to 1983; up to 1988, we had 550 ships. We were building up to a 600 ship Navy. We declined to 417 ships at the end of the cold war and, prior to the development of the Quadrennial Defense Review, to a total of 316 ships. In those 8 short years where we declined from 500 ships to 316 ships, we had a dramatic increase in the number of contingency operations.

The second chart shows during the end of the cold war we had 31 contingency operations, when we had 550 ships. During 1992 and 1995, prior to the Quadrennial Defense Review in terms of assessing how many ships we would need to respond to those contingencies, we had 417 ships. In the post QDR, in 1996 to 1999, we had 103 contingency operations, tripling the number we had during the cold war. Yet we only had 316 ships during this period.

This is a dramatic increase in the number of contingency operations.

As I said in the course of my discussion this morning, the fact is, the demands being placed on our naval forces and the Marine Corps are becoming greater and greater. Yet the number of ships to meet those demands is becoming fewer. So I question the premises. How many ships? That is a good question, one we are striving to answer. Have we gone too far in bringing down
the number of ships to 300? The operational commanders will tell us yes. Without a doubt, due to the high operational tempo that is reflected in this chart, as we have seen, tripling the number of contingency operations compared to what we were doing during the cold war, we would have to agree. We have had 103 contingency operations during the period of 1996 to 1999, with 316 ships. Yet during the cold war period, during a 9-year period, we only had 31. So obviously the demands are greater.

So these shortcomings become a concern, as I say, leaving gaps, for example, in the Pacific command, not being able to respond to the Supreme Allied Commander, Europe, demanding an aircraft carrier for the duration of the entire conflict because we don’t have enough ships; or because of the impact on the men and women because of the extended deployments, because of the quality of life because of the recruitment and retention problems and the soaring cost of contingency operations—it is having an impact across the board. So, yes, there are higher risks in all respects. We have to address those risks.

We are trying. As chair of the Seapower Subcommittee and member of the overall committee, we have been asking for a report from the Pentagon as to what is their long-term shipbuilding plan that will ascertain exactly how many ships will be required to respond to those demands.

Senator Bob of Virginia had included an amendment to the Defense authorization last year that asked for this report. The shipbuilding plan. The statutory requirement included a deadline of February of this year for the Pentagon to submit this report to the committee and to the Congress. They have failed to meet this prescribed statutory requirement of this analysis so the committee could make some decisions for the long term because it is not easy to shift these decisions when it comes to shipbuilding. It takes 5 to 6 years, on average, to construct a ship. If we are being told by the Defense Department that we have to make some decisions for the future, then we are required to make some decisions about where we need to go in the future. As the commander of the 6th Fleet testified, again during the course of his testimony, he said:

Numbers count. If there is an insufficiency of numbers, by the time you figure it out, it is usually too late.

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We are trying. As chair of the Seapower Subcommittee and member of the overall committee, we have been asking for a report from the Pentagon as to what is their long-term shipbuilding plan that will ascertain exactly how many ships will be required to respond to those demands.
We tried to address a number of the requirements for both the Navy and the Marine Corps to address what we consider to be the deficiencies that were submitted in the budget request by the administration for the Navy and the Marine Corps. It is also an attempt to fill the gap that has been placed on both of those services with respect to demands that not only have been required of them in contingency operations, but also in terms of the reduced force structure that has been demonstrated by these charts and by the realities in the world today.

I hope in the future we will be able to have the kind of analysis upon which we can develop what will be an adequate force structure, what will make sure adequate number of ships, and other requirements for the Navy and the Marine Corps. Whether it is a 300-ship Navy, 308-ship Navy, or 263-ship Navy, which has been the trend, as I said, over the last 5 to 6 years and which this authorization is attempting to reverse, it is going to take more than that. Obviously, we need to have the numbers and the analysis upon which to base the numbers from the Defense Department so that Congress has the ability to analyze those numbers in terms of what is sufficient to meet the security challenges around the world.

As I said earlier, the Quadrennial Defense Review developed a number. They said a 300-ship Navy would be adequate to respond to the security challenges. They anticipated there would be an increase in contingency operations, but the problem is they did not anticipate the extent to which those operations would place demands on our naval forces and our Marine Corps.

The PRESIDING OFFICER (Mr. ALARD). The Senator’s time has expired.

Ms. SNOWE. Mr. President. I again thank the chairman of the Armed Services Committee for his leadership and the ranking member of the Subcommittee on Seapower, Senator KENDY, the professional staff: Gary Hall, Tom McKenzie, and John Barnes on the majority side, and Creighton Greene on the minority side. I also thank my personal staff: Tom Vecchioti, Sam Horton, and Jennifer Ogilvie, defense fellows in my office as well.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague for her contribution first as chairman of the Seapower Subcommittee, and for this very important message she has delivered to the Senate this morning.

I understand our distinguished colleague from Michigan, Mr. LEVIN, and the Senator from Georgia have consulted, and the Senator from Georgia desires some time now.

Mr. LEVIN. I hope the Chair will now recognize the next person seeking recognition.

The PRESIDING OFFICER. The Senator from Georgia is recognized.
Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3220

(Purpose: To authorize the payment of $7,975 for a fine assessed under the Resource Conservation and Recovery Act at Fort Sam Houston, Texas)

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
The amendment is as follows:

On page 94, between lines 6 and 7, insert the following:

(6) $7,975 for payment to the Texas Natural Resource Conservation Commission of a cash fine for permit violations assessed under the Solid Waste Disposal Act.

Mr. LEVIN. The amendment has been cleared on this side.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3220) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3221

(Purpose: To strike section 344, relating to a modification of authority for indemnification of transferees of closing defense property)

Mr. WARNER. Mr. President, I offer an amendment to strike all of section 344 of S. 2549.

I believe this amendment has been cleared.

Mr. LEVIN. The amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3221.

The amendment is as follows:

On page 88, strike line 11 and all that follows through page 92, line 19.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3221) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3222

(Purpose: To strike section 344, relating to a modification of authority for indemnification of transferees of closing defense property)

Mr. WARNER. Mr. President, I offer an amendment which makes technical corrections to the bill. This has been cleared on the other side.

Mr. LEVIN. It has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3222.

The amendment is as follows:

On page 147, line 6, strike "section 573(b)" and insert "section 573(c)".

On page 303, strike line 10 and insert the following:

SEC. 901. REPEAL OF LIMITATION ON MAJOR.

On page 356, beginning on line 11, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 356, beginning on line 12, strike "contract administration service" and insert "contract administration services system".

On page 359, line 5, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 359, beginning on line 6, strike "contract administration service" and insert "contract administration services system".

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3223

On page 359, beginning on line 6, strike "contract administration service" and insert "contract administration services system".

On page 359, beginning on line 9, strike "Defense Finance and Accounting System" and insert "Defense Finance and Accounting Service".

On page 403, in the table following line 10, strike "136 units" in the purpose column in the item relating to Mountain Home Air Force Base, Idaho, and insert "119 units".

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without further debate on the amendment, the amendment is agreed to.

The amendment (No. 3222) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3224

On page 359, beginning on line 6, strike "contract administration service" and insert "contract administration services system".

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3223.

The amendment is as follows:

On page 584, line 13, strike "310(c)" and insert "310(a)(1)(C)".

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 3223) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3225

On page 359, beginning on line 6, strike "contract administration service" and insert "contract administration services system".

Mr. WARNER. I offer a technical amendment in relation to the mixed oxide fuel construction project.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3225.

The amendment is as follows:

On page 555, line 4, strike "$15,000,000." and insert "$26,000,000.".

Mr. LEVIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3225) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3226

(Purpose: To enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces)

Mr. LEVIN. Mr. President, on behalf of Senator CLELAND, and other cosponsors whom he has identified, I offer an amendment that would enhance the Montgomery GI bill for both active and reserve members of the Armed Forces.

This is the amendment we just discussed and on which we are so appreciative of Senator CLELAND's leadership.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. CLELAND, for himself, Mr. ROBB, and Mr. REED, proposes an amendment numbered 3226.

(The text of the amendment is printed in today's Record under Amendments Submitted.)

Mr. CLELAND. Mr. President, I come before you today to offer an amendment that addresses the educational needs of our men and our men and women in uniform and their families. I appreciate the support of my colleagues who have supported my provisions to enhance the GI bill, Senators LEVIN, BINGAMAN, REED, and ROBB.

I also like to recognize the chairman of the Senate Armed Services Committee, Senator WARNER, who himself went to school on the GI bill. I want to thank him for his support and encouragement in improving the GI bill for military personnel and their families.

I call this measure the HOPE—Help Our Professionals Educationally—Act of 2000. This measure is the same at my original legislation, S. 2402.

Last year, Time magazine named the American GI as the Person of the Century. That alone is a statement about the value of our military personnel. They are recognized around the world for their dedication and commitment to fight for our country and for peace in the world. This past century has been the most violent century in the
The Senate began to address this issue by supporting improved education benefits for military members and their families. Since last year, we have gone back and studied this issue further. In reviewing the current Montgomery GI bill, we found several disincentives and the basic benefits offered by the services. These conflicts make the GI bill, an earned benefit, less attractive than it could be.

My amendment will improve and enhance the current educational benefits and create the GI bill for the 21st century.

One of the most important provisions of my amendment would give the Service Secretaries the authority to authorize a service member to transfer his or her basic MGIB benefits to family members. Many service members tell us that they really want to stay in the service, but do not feel that they can stay and provide an education for their families. This will give them an incentive to stay in the Service. Along with this lighter force, our military professionals must be highly educated and highly trained.

Our nation is currently experiencing the longest running peacetime economic expansion in our history. With the excitement of quick prosperity in the civilian sector it is more difficult than ever before to recruit and retain our highly skilled force.

In fiscal year 99, the Army missed its recruiting goals by 6,291 recruits, while the Air Force missed its recruiting goal by 1,732 recruits. Pilot retention problems affect all services; the Air Force ended FY 99 1,200 pilots short and the Navy ended FY 99 550 pilots short. The Army is having problems retaining captains, while the Navy faces manning challenges for Surface Warfare Officers and Special Warfare Officers. It is estimated that $6 million is spent to train a pilot. We as a nation cannot afford to train our people, only to lose them to the private sector. It is better to retain than retrain.

The way we are addressing these challenges. Last year was a momentous year for our military personnel. The Senate passed legislation that significantly enhances the quality of life for our military personnel. From retirement reform to pay raises, this Congress is in record supporting our men and women in uniform. However, more must be done.

In talking with our military personnel, we know that money alone is not enough. Education is the number one reason service members come into the military and the number one reason its members are leaving. Last year the Senate began to address this issue on that amendment so any others who might wish cosponsorship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, given the importance of this legislation, I ask unanimous consent that such other Senators who desire to be cosponsors may be listed through the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment is agreed to.

The amendment (No. 3226) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3227

(Purpose: To strike section 553(c) which repeals authority regarding grants and contracts to uncooperative institutions of higher education)

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I offer an amendment that would strike a repeal of the duplicative authority from section 553 of the bill. I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself, Mr. WARNER, Mr. ROBB, and Mr. REED of Rhode Island.

The amendment (No. 3227) was agreed to.

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I offer an amendment that would strike a repeal of the duplicative authority from section 553 of the bill. I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The amendment (No. 3227) was agreed to.

Mr. WARNER. Mr. President, given the importance of this legislation, I ask unanimous consent that such other Senators who desire to be cosponsors may be listed through the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the amendment is agreed to.

The amendment (No. 3226) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3227

(Purpose: To strike section 553(c) which repeals authority regarding grants and contracts to uncooperative institutions of higher education)

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I offer an amendment that would strike a repeal of the duplicative authority from section 553 of the bill. I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, for himself, and Mr. CLELAND, proposes an amendment numbered 3227.

The amendment is as follows: On page 186, strike line 9 through 19, and insert the following:

(c) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall take effect on July 1, 2002.

(2) The amendments made by subsection (b).
Mr. WARNER. Mr. President, I move to reconsider the vote. The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3227) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote. Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 328

(Purpose: To amend titles 10 and 38, United States Code, to strengthen the financial security of families of uniformed services personnel in cases of loss of family members)

Mr. WARNER. On behalf of Senator McCain, I offer an amendment that will enhance the survival benefit plan available to retired members of the uniformed services, and I ask unanimous consent to be listed as cosponsor. The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCaín, for himself, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 328.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. McCaín. Mr. President, today I am introducing three amendments to S. 2583, the National Defense Authorization Act for FY2001. The first amendment will provide more pay for mid-career enlisted service members. The amendment will authorize survivor benefit improvements for the families of service members. The third amendment will improve benefits for members of the National Guard and Reservists.

Last year, I was pleased to see military pay table reform enacted into law. Our servicemembers will receive a much needed pay raise next month, and I commend my colleagues on both sides of the aisle who voted for this legislation.

However, there was one group of servicemembers that was underrepresented in last year's pay table reform. Our E-5s, E-6s and E-7s have seen their pay erode in comparison to other pay grades. With our severe recruitment and retention issues still looming, we must adequately compensate our mid-grade enlisted servicemembers who are critical to leading the junior enlisted force.

We have significantly underpaid these enlisted members since the advent of the All-Volunteer Force. The value of their pay, compared to that of a private/seaman/airman, has dropped 50% since the all volunteer force was enacted by Congress.

The 1990s placed undue burdens on our career NCOs. Their expansion of duties left the drawings of their duties with little or no pay incentives, resulting in the departure of mid-grade NCOs and Petty Officers from the uniformed services.

On promotion to grades E-5 through E-8, the gap between military and civilian pay begins to widen. Last year's pay table reform, which helped to alleviate this gap, increased the pay of mid-grade officers, but is lacking for the mid-grade enlisted force.

My amendment would alleviate this inequity by increasing the pay for E-5s, E-6s and E-7s to the same level as those of officers with similar lengths of service. The amendment is estimated to cost approximately $200-300 million a year in additional pay. The legislation recently introduced in the House.

My second amendment would provide low-cost survivor benefit plan improvements for the survivors of active duty personnel who die in the line of duty. Under current SBP rules, only survivors of retired members or those of active duty members who have greater than 20 years of service are eligible for SBP.

My amendment, at an estimated cost of only $800 thousand in FY 01 and $12.6 million over 5 years, would extend SBP coverage to all survivors of members who die on active duty with the annuities calculated as if the member had been retired with a 100% disability on the date of death.

This is an inexpensive amendment that would greatly help the survivors of our courageous servicemembers who have made the ultimate sacrifice in the defense of our country.

The second part of this amendment is a no-cost initiative that would allow the spouses and children of active duty personnel to participate in the Serviceman Group Life Insurance Program.

Junior servicemembers can rarely afford commercial insurance on their spouses and children, and the unexpected loss of their spouses—who in many cases are the primary care givers of their children—places an extreme strain on the service members' ability to properly take care of their families.

Premiums for this insurance would be significantly lower than comparable life insurance programs, because the Serviceman Group Life Insurance Program is composed of a consortium of insurance companies. This amendment would simply authorize spouses to buy up to 50% of the servicemember benefits—a maximum of $100,000 in coverage, and each dependent child could be covered for up to $10,000.

The final amendment I have offered today increases benefits for the Total Force—members of the National Guard and the Reserve Components. The National Guard and Reserves have become a larger percentage of the Total Force and are essential partners in a wide range of military operations. Due to the high operating tempo demands on the active component, the Reserve components are being called upon more frequently and for longer periods than ever before, and I ask that the amendment be the “second class” force.

This amendment will specifically authorize five improvements for the National Guard and Reserves. First, it will urge through a sense of Congress that the President should adequately request in the DoD budget the funds necessary to modernize these forces, and support their training and readiness accounts to ensure that the Total Force can continue to support our National Military strategy.

Second, this amendment will authorize National Guard and reserve servicemembers to travel for duty or training on a space-required basis on military airlift between the servicemember's home of record and their place of duty.

Third, it will authorize National Guard and reserve servicemembers who travel more than 50 miles from their home of record to attend their drills to be able to stay at Bachelor Quarters on military installations.

Fourth, it will increase from 75 to 90 the maximum number of reserve retirement points that may be credited in a year for reserve service.

Finally, it will authorize legal AG services for up to twice the length of period of military service after active duty recall for National Guard and reserve servicemembers to handle issues or problems under the Servicemembers' Group Life Insurance Program.

In conclusion, I would like to emphasize the importance of enacting meaningful improvements for our servicemembers; our Soldiers, Sailors, Airmen, Marines, their families and their survivors. They risk their lives to defend our shores and preserve democracy and we can not thank them enough for their service. But we can pay them more, improve their benefits to their survivors, and support the Total Force in a similar manner as the active forces. Our servicemembers past, present, and future need these improvements and these three amendments are just one step we can take to show our support and improve the quality of life for our servicemembers and their families.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3228) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote. Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 329

(Purpose: To provide a proportional increase in military basic pay for enlisted members of the uniformed services in pay grades E-5, E-6, or E-7)

Mr. WARNER. Mr. President, I move to reconsider the vote. Mr. McCaín. I offer an amendment that would provide an additional increase in the military basic pay for enlisted personnel in grades E5, E6, E7, and I ask unanimous consent to
be listed as a cosponsor of the amendment. The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCaIN, for himself, and Mr. WAR-MER, proposes an amendment numbered 3229.

The amendment is as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. RESTRUCTURING OF BASIC PAY TABLES FOR CERTAIN ENLISTED MEMBERS.

(a) IN GENERAL.—The table under the heading “ENLISTED MEMBERS” in section 603(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 105-65; ENLISTED MEMBERS)

(Year of service computed under title 35 of title 37, United States Code)

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-7</td>
<td>1,765.00</td>
<td>1,937.00</td>
<td>2,001.00</td>
<td>2,073.00</td>
<td>2,148.60</td>
</tr>
<tr>
<td>E-6</td>
<td>1,520.00</td>
<td>1,683.00</td>
<td>1,757.00</td>
<td>1,831.00</td>
<td>1,909.00</td>
</tr>
<tr>
<td>E-5</td>
<td>1,332.60</td>
<td>1,494.00</td>
<td>1,566.00</td>
<td>1,640.40</td>
<td>1,717.70</td>
</tr>
<tr>
<td>E-7</td>
<td>2,377.80</td>
<td>2,550.70</td>
<td>2,433.20</td>
<td>2,495.90</td>
<td>2,573.90</td>
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<tr>
<td>E-6</td>
<td>2,023.60</td>
<td>2,096.40</td>
<td>2,168.60</td>
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<td>3,134.40</td>
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<tr>
<td>E-6</td>
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</tr>
<tr>
<td>E-5</td>
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<td>1,997.60</td>
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<td>1,997.60</td>
</tr>
</tbody>
</table>

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect as of October 1, 2000, and shall apply with respect to months beginning on or after that date.

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3229) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3230

(Purpose: To improve the benefits for members of the reserve components of the Armed Forces and their dependents)

Mr. WARNER. Mr. President, on behalf of Senators Grams, McCain, Sessions, Allard, Ashcroft, and myself, I offer an amendment that would improve benefits for members of the reserve components of the Armed Forces and their dependents.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. Grams, for himself, Mr. McCain, Mr. Sessions, Mr. Allard, Mr. Ashcroft, Mr. Warner, and Mr. Levin, proposes an amendment numbered 3230.

The amendment is as follows:

On page 239, after line 22, add the following:

Subtitle F—Additional Benefits For Reserves and Their Dependents

SEC. 671. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest for the President to provide the funds for the reserve components of the Armed Forces (including the National Guard and Reserves) that are sufficient to ensure that the reserve components meet the requirements specified for the reserve components in the National Military Strategy, including training requirements.

SEC. 672. TRAVEL BY RESERVES ON MILITARY DUTY.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:—

“(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place the member’s unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-required status on draft of the armed forces (between the member’s home and the place of such duty or training).”.

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

“(18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel).”

(b) SPACE-AVAILABLE TRAVEL FOR MEMBERS OF SELECTED RESERVE, GRAY AREA RETIREES, AND DEPENDENTS.—Chapter 1205 of such title is amended by adding at the end the following new section:

“1205. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.

“(a) ELIGIBILITY FOR SPACE-AVAILABLE TRAVEL.—The Defense shall prescribe regulations to allow persons described in subsection (b) to receive transportation on aircraft of the Department of Defense on a space-available basis under the same terms and conditions (including terms and conditions applicable to travel outside the United States) as apply to members of the armed forces entitled to retired pay.

“(b) PERSONS ELIGIBLE.—Subsection (a) applies to the following persons:

“(1) A person who is a member of the Selected Reserve in good standing (as determined by the Secretary concerned) or who is a participating member of the Individual Ready Reserve of the Navy or Coast Guard in good standing (as determined by the Secretary concerned).

“(2) DEPENDENTS.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

“(3) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the ‘Authentication of Reserve Status for Travel Eligibility’ form (DD Form 1853), nor any other form, other than the presentation of military identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.”.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 18505 and inserting the following new items:

“(18505. Reserves traveling to annual training duty or inactive-duty training: authority for space-required travel).”

“(18506. Space-available travel: Selected Reserve members and reserve retirees under age 60; dependents.”.

(d) IMPLEMENTING REGULATIONS.—Regulations under section 12056 of title 10, United States Code, as added by subsection (b), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 673. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

“12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training

“(a) AUTHORITY FOR BILLETING ON SAME BASIS AS ACTIVE DUTY MEMBERS TRAVELING UNDER ORDERS.—The Secretary of Defense shall prescribe regulations authorizing a Reserve traveling to inactive-duty training at a location more than 50 miles from that Reserve’s residence to be eligible for billeting in Department of Defense facilities on the same basis and to the same extent as a member of the armed forces on active duty who is traveling to inactive-duty training from the member’s permanent duty station.

“(b) PROOF OF REASON FOR TRAVEL.—The Secretary shall include in the regulations the means for confirming a Reserve’s eligibility for billeting under subsection (a).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12603 the following new item:

“12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.”
I support the total force concept, but I don’t believe we can afford to balance DoD’s budget on the backs of our citizen soldiers and airmen. That’s why I introduced this amendment to the Defense Authorization Bill, along with Senators McCain, Allen, Sessions, Ashcroft, Warner, and Levin.

My amendment addresses quality of life issues. It extends space required travel to the National Guard and Reserves for travel to duty stations both inside and outside of the United States. It also provides the same available travel privileges for the Guard, Reserves, and dependents that the armed forces provides to retired military and their dependents. My amendment gives them the same priority status and billeting privileges as active duty personnel when traveling for monthly drills. It raises the annual reserve retirement point maximum, upon which retirement pensions are based, from 75 to 90. Finally, it will extend fee legal services to Selected Reservists by Judge Advocate General officers for a time equal to twice the length of their last period of active duty service.

I believe the dramatic increase in overseas active-duty assignments for reserve members merits the extension of military benefits for our Nation’s citizen soldiers. It is only fair to close these disparities. This amendment would restore fairness to Guard and Reserve members, and it would strengthen our national defense and increase our military readiness by alleviating many of the recruitment and retention problems.

These are difficult days, without clear and easy answers. But I’m glad that, as often we have during trying times, we’re able to turn to the men and women of the National Guard and Reserves to help ease the way. We must not forget their sacrifices. For in the words of President Calvin Coolidge, “the nation which forgets its defenders will itself begin to perish.”

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3230) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent to be added as a co-sponsor of amendment No. 3230.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 3231

(Purpose: To authorize the President to award the gold and silver medals on behalf of the Congress to the Navajo Code Talkers, in recognition of their contributions to the Nation)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment that would authorize the President to award gold and silver medals on behalf of Congress to the Navaho Code Talkers in recognition of their contributions to the Nation during World War II.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

(a) FINDINGS.—Congress finds that—

(1) on December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress on the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Japanese, and a search was made by United States Intelligence to develop new means to counter the enemy;

(3) the United States Government called upon the Navajo Nation to support the military effort by recruiting and enlisting 29 Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistsmen later increased to more than 350;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the “Navajo Code Talkers”, were used to develop a code of their own language to communicate military messages in the Pacific;

(7) to the enemy’s frustration, the code developed by these Native Americans proved to be unbreakable, and is still used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed more than 800 error-free messages in a 48-hour period;

(10) use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were awarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo Code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo Code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b) CONGRESSIONAL MEDALS AUTHORIZED.—To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(1) to award to each of the original 29 Navajo Code Talkers, or a surviving family, on behalf of the Government, a gold medal of appropriate design, honoring the Navajo Code Talkers; and...
(2) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring them, and incorporating this most well-deserved recognition on behalf of these individuals.

Again, with brief service in the concluding months of the war, particularly while I was in the Navy, the Marine Corps utilized these individuals as a great deal. What they would do is get on the walkie-talkies in the heat of battle and in their native tongue communicate the orders of the officers and non-commissioned officers to forward and other positions, subjecting themselves to the most intense elements of combat at the time. They were very brave individuals. They performed a remarkable service. Here we are, some 56 years after the intensity of the fighting in the Pacific, which began in 1941, honoring them. They were magnificent human beings, and the men in the forward units of combat appreciated what they did. I salute our distinguished colleagues. I am delighted to be a cosponsor.

Mr. LEVIN. Mr. President, I join my good friend, Senator WARNER, in thanking and commending the men for their gallant service during World War II and to thank Senator BINGAMAN for remembering them and having us as a body remember them. That is a real service, too. We are both grateful to Senator BINGAMAN.

Mr. WARNER. In other words, the enemy simply did not, if they picked up this language with their listening systems, have the vaguest idea. There are stories of the confusion of the enemy: They didn’t know who it was on the beach, what was coming at them. It was remarkable.

Mr. LEVIN. It is a great bit of history, and it is great to be reminded of it.

Mr. WARNER. Indeed.

Mr. LEVIN. I hope it has been written up because it is not familiar to me. I am now going to become familiar with it.

Mr. WARNER. There were quite a few stories written about them. They were self-effacing, humble people, proud to be identified with their tribes. They went back into the sinews of America, as so many of the men and women did, to take up their responsibilities at home.

AMENDMENT NO. 322

(Purpose: To revise the fee structure for residents of the Armed Forces Retirement Home.

Mr. WARNER. Mr. President, on behalf of Senator LOTT, I offer an amendment that would revise the fee structure for residents of the Armed Services Retirement Home.

The PRESIDING OFFICER. The clerk will report the amendment. The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. LOTT, proposes an amendment numbered 3232.

The amendment is as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. FEES PAID BY RESIDENTS OF THE ARMED FORCES RETIREMENT HOME.

(a) NAVAL HOME.—Section 1514 of the Armed Forces Retirement Home Act of 1961 (24 U.S.C. 414) is amended by striking subsection (d) and inserting the following:

"(d) Fees:—The monthly fee required to be paid by a resident of the Naval Home under subsection (a) shall be as follows:

(1) For a resident in an independent living status, $500.
(2) For a resident in an assisted living status, $750.
(3) For a resident of a skilled nursing facility, $1,250."

(b) UNITED STATES SOLDIERS’ AND AIRMEN’S HOME.—Subsection (c) of such section is amended—

(1) by striking “(c) FIXING FEES.—” and inserting “(c) UNITED STATES SOLDIERS’ AND AIRMEN’S HOME.—”;

(2) in paragraph (1)—

(A) by striking “the fee required by subsection (a) of this section” and inserting “the fee required to be paid by residents of the United States Soldiers’ and Airmen’s Home under subsection (a)”;

(B) by striking “needs of the Retirement Home” and inserting “needs of that establishment”;

and

(3) in paragraph (2), by striking the second sentence.

(c) SAVINGS PROVISION.—Such section is further amended by adding at the end the following:

"{c) RESIDENTS BEFORE FISCAL YEAR 2001.—A resident of the Retirement Home on September 30, 2000, may not be charged a monthly fee under this section in an amount that exceeds the amount of the monthly fee charged that resident for the month of September 2000.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000."

The PRESIDING OFFICER. Without further debate, the amendment is agreed to.

The amendment (No. 3232) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, let me expand on this and say how much I respect Senator BINGAMAN for bringing this bill to the floor of the Senate and incorporating this most well-deserved recognition on behalf of these individuals.

Amendments

The legislative clerk read as follows:

To request the President to advance Rear Admiral E. Kimmel on the retired list of the Navy to the highest grade held in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II; and to express the sense of Congress regarding the professional performance of Admiral Kimmel and Lieutenant General Short.

Mr. LEVIN. Mr. President, on behalf of Senator KENNEDY, I offer an amendment that would authorize the President to advance Rear Adm. Husband Kimmel on the retired list to the highest grade held as commander in chief, U.S. Fleet, during World War II and to advance Army Maj. Gen. Walter Short on the retirement list of the Army to the highest grade held as commanding general, Hawaiian Department, during World War II.

The PRESIDING OFFICER. The clerk will report the amendment. The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Senator KENNEDY, for himself, Mr. THURMOND, Mr. ROTH, and Mr. BIDEN, proposes an amendment numbered 3233.

The amendment is as follows:

On page 200, after line 23, insert the following:

SEC. 566. SENIOR OFFICERS IN COMMAND IN HAWAII ON DECEMBER 7, 1941.

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

(1) Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.

(2) Major General Walter C. Short, formerly the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941, attack on Pearl Harbor.

(3) Numerous investigations following the attack on Pearl Harbor have documented that Admiral Kimmel and Lieutenant General Short were not provided necessary and critical intelligence that was available, that
foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Plan (Project 960) and the Joint Chiefs of Staff message of December 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese ambassador in the United States on December 6 to 7, 1941, known as the Fourteen-Part Message.

(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their duties and replaced by the permanent ranks of rear admiral and major general.

(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of dereliction of duty only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".

(6) On October 19, 1944, a Naval Court of Inquiry investigated the conduct of Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 1, 1941, attack on Pearl Harbor were not a result of dereliction in the performance of those duties by the then Lieutenant General Short. Admiral Kimmel criticized the higher command for not sharing with Admiral Kimmel "the very critical period of November 26 to December 7, 1941, important information regarding the Japanese situation"; and, concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.

(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.

(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been kept "fully advised of the grave peril of the Japanese situation which indicated an increasing necessity for better preparation for war". The Board found that intelligence about Japanese intentions and war plans were available in "abundance" but were not shared with the General's Short's Honolulu Headquarters. Admiral Short was not notified of the interception of the Japanese Pearl Harbor message before the attack, although Admiral Kimmel informed the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered.

(9) On July 21, 1947, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Board of Investigation. The Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from Admiral Kimmel and Lieutenant General Short.

(10) The Officer Personnel Act of 1947, in establishing a promotion system for the advancement of Admiral Kimmel and retired Rear Admiral E. Kimmel to the grade of admiral on the retired list of the Navy; and

(11) The then Chief of Naval Personnel, Admiral Kimmel, was unfairly turned into a scapegoat for the failure of the joint military force of the United States and the British Empire in World War II. Admiral Kimmel was not a result of dereliction in the performance of those duties by the then Admiral Kimmel and Lieutenant General Short.

(12) At last, we have an excellent opportunity to correct a serious wrong from World War II that has unfairly borne the sole blame for the success of the Japanese attack on Pearl Harbor at the beginning of World War II—Admiral Husband E. Kimmel and Major General Walter C. Short of the United States Army.

(13) The Senate passed this same amendment as part of last year's Department of Defense Authorization Act, but unfortunately it was dropped in conference. Now, our amendment is part of this year's House version of the Defense Authorization Act. At last, we have an excellent opportunity to correct a serious wrong from World War II that has unfairly borne the sole blame for the success of the Japanese attack on Pearl Harbor at the beginning of World War II—Admiral Husband E. Kimmel and Major General Walter C. Short of the United States Army.
Justice for these men is long overdue. Wartime investigations after the attack concluded that our fleet in Hawaii under the command of Admiral Kimmel and our land forces under the command of General Short had been properly positioned, given the information then available. Mr. Hanify concludes, "The intelligence made available to Washington and intercepted Japanese radio intercepts that warned of the pending attack. Despite the fact that the finding was later repudiated and found groundless.

I am satisfied that Admiral Kimmel was subject to severe criticism by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6 and morning of December 7 in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled. Admiral Kimmel, the last high-ranking military officer to receive the decoded top-secret Japanese radio intercepts that warned of the attack. Despite the fact that the finding was later repudiated and found groundless. It is time for Congress and the administration to step forward and do the right thing.

This year is the 75th anniversary of the Pearl Harbor attack, providing an appropriate time to promote Admiral Kimmel and General Short. This advancement in rank would officially vindicate them. No retroactive pay would be involved.

The posthumous promotion of Admiral Kimmel and General Short will be a small step in restoring honor and rank to these two military leaders finally be treated the same as their peers.

I first became interested in this issue when I received a letter 2 years ago from Mr. McCaffrey. As a young Navy lawyer and Lieutenant J.G. in 1944, Mr. McCaffrey was assigned as counsel to Admiral Kimmel.

He accompanied Admiral Kimmel when he testified before the Army Board of Investigation, and he later heard the testimony in the lengthy congressional investigation of Pearl Harbor by the Roberts Commission.

Mr. Hanify is probably one of the few surviving people who heard Kimmel’s testimony before the Naval Court of Inquiry, and he has closely followed all subsequent developments on the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

I would like to quote a few brief paragraphs from Mr. Hanify’s letter, because it eloquently summarizes the overwhelming case for justice for Admiral Kimmel and for General Short.

The odious charge of ‘dereliction of duty’ made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel, despite the fact that the finding was later repudiated and found groundless.

I am satisfied that Admiral Kimmel was subject to severe criticism by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6 and morning of December 7 in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled. Admiral Kimmel, the last high-ranking military officer to receive the decoded top-secret Japanese radio intercepts that warned of the attack. Despite the fact that the finding was later repudiated and found groundless.

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The posthumous promotion of Admiral Kimmel and General Short will be a small step in restoring honor to these men.

It is time for Congress and the administration to step forward and do the right thing.

This year is the 75th anniversary of the Pearl Harbor attack, providing an appropriate time to promote Admiral Kimmel and General Short.

I urge the Senate to support this amendment again this year.

Mr. Thurmond. Mr. President, I rise in support of my colleague Senator Goodpaster, and General William J. McCaffrey.

Our amendment recommends that the President posthumously advance Admiral Kimmel and General Short to their proper, final rank and, in accordance with the Officer Personnel Act of 1947, the bungling that left the Pacific Fleet exposed and defenseless that day did not begin and end in Hawaii. In 1995, I held an in-depth meeting to review this matter which included the officers' families, historians, experts, and retired high-ranking military officers, who all testified in favor of the two commanders.

In response to this review, Under Defense Secretary Edwin Dorn's subsequent report disclosed officially—for the first time—that blame should be "widely shared." The Dorn Report stated members of the high command in Washington were privy to intercepted Japanese messages that in their totality ... pointed strongly toward an attack on Pearl Harbor on the 7th of December, 1941. That this intelligence was never sent to the Hawaiian commanders. The Dorn Report went so far as to characterize the handling of critically important decoded Japanese messages in Washington as revealing ‘ineptitude on an unwarranted and misapplied, limited coordination, ambiguous language, and lack of clarification and followup at higher levels.’ They are eligible for this advancement in rank by the Officer Personnel Act of 1947, which authorizes retirement at highest wartime rank. All eligible officers have benefited. All except for two: Admiral Kimmel and General Short. This advancement in rank would officially vindicate them. No retroactive pay would be involved.

The posthumous promotion of Admiral Kimmel and General Short will be a small step in restoring honor to these men.

It is time for Congress and the administration to step forward and do the right thing.

This year is the 75th anniversary of the Pearl Harbor attack, providing an appropriate time to promote Admiral Kimmel and General Short.

I urge adoption of the amendment and yield the floor.

Mr. Roth. Mr. President, I rise today with my colleague from Delaware, Senator Biden, and Senator Kennedy, and Senator Thurmond to sponsor an amendment whose intent is to...
redress a grave injustice that haunts us from the tribulations of World War II.  

On May 25 of last year, this body held an historically important vote requesting the long-overdue, posthumous advancement of two fine World War II officers, Admiral Husband Kimmel and General Walter Short. The Senate voted in support of including the Kimmel-Short resolution as part of the Defense Authorization Bill for Fiscal Year 2000, but the provision was not included in the final legislation. This year, a joint House and Senate committee of Representatives had included the exact language of the Senate amendment adopted last year, and so we are again seeking the Senate to support inclusion of this important resolution.

Admiral Husband Kimmel and General Walter Short were the two senior commanders of U.S. forces deployed in the Pacific at the time of the disastrous surprise December 7, 1941, attack on Pearl Harbor. In the immediate aftermath of that attack, there was a grossly unfair and publicly charged with dereliction of duty and blamed as singularly responsible for the success of that attack. Less than 6 weeks after the Pearl Harbor attack, in a hastily prepared report to the President, the Roberts Commission—perhaps the most flawed and unfortunately most influential investigation of the disaster—levelled the dereliction of duty charge against Kimmel and Short—a charge that was immediately and highly publicized.

Admiral William Harrison Standley, who served as a member of this Commission, later disavowed its report, stating that these two officers were “martyred” and “if they had been brought to trial, they would have been cleared of the charge.”

Later, Admiral J. O. Richardson, who was Admiral Kimmel’s predecessor as Commander-in-Chief, U.S. Pacific Fleet wrote:

“In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.”

After the end of World War II, this scapegoating was given a painfully enduring form when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above his regular grade.

Admiral Kimmel, a two star admiral, served in four star command. General Short, a two star general, served in a three star command. Let me repeat, advancement on the retired lists was granted to every other flag rank officer who served in World War II in a post above their grade.

That decision against Kimmel and Short was made despite the fact that war-time investigations had exonerated these commanders of the dereliction of duty charge and criticized their higher commands for significant failings that contributed to the success of the attack on Pearl Harbor. More than six studies and investigations conducted including one Department of Defense report completed in 1995 at Senator Thurmond’s request, reconfirmed these findings.

Our amendment is a rewrite of Senate Joint Resolution 19, the Kimmel-Short Resolution, that I, Senator BIDEN, Senator THURMOND, Senator HELMS, Senator STEVENS, Senator COCHRAN, Senator KENNEDY, Senator DOMENICI, Senator SPECTER, Senator ENZI, Senator MURKOWSKI, Senator ABRAHAM, Senator CRAIG, Senator DUNBIN, Senator JOHN KERRY, Senator KYL, Senator HOLLINGS, Senator BOB SMITH, Senator COLLINS, Senator LANDRIEU, Senator VOINOVICH, Senator DeWINE, and Senator FEINSTEIN—a total of 23 Senators—introduced last April. It is the same amendment this body adopted by a rollcall vote last May. It is the same amendment accepted by the House Armed Services Committee as part of their version of the Department of Defense bill. The amendment calls upon the President of the United States to advance posthumously on the retirement lists Admiral Kimmel and General Short to the grades of their highest war-time commands. Its passage would correct the grave injustice done to them and call upon the President to take corrective action.

Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputations of these two officers. It is a correction consistent with our military’s tradition of honor.

Mr. President, the investigations providing clear evidence that Admiral Kimmel and General Short were unfairly singled out for blame include a 1944 Navy Court of Inquiry, the 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee, and a 1991 Army Board for the Correction of Military Records.

The findings of these official reports can be summarized as four principal points:

First, there is ample evidence that the Hawaiian commanders were not provided with vital intelligence that they needed, and that was available in Washington prior to the attack on Pearl Harbor.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

In my review of this fundamental point, I was most struck by the honor and integrity demonstrated by General George C. Marshall, who was Army Chief of Staff at the time of the December 7, 1941 attack on Pearl Harbor.

On November 27 of that year, General Short interpreted a vaguely written war warning message sent from the high command in Washington as suggesting the need to defend against sabotage. Consequently, he concentrated his aircraft away from perimeter roads to protect them, thus inadvertently incurring the Japanese air attack. When he reported his preparations to the General Staff in Washington, the General Staff took no steps to clarify the reality of the situation.

In 1946 before a Joint Congressional Committee on the Pearl Harbor disaster General Marshall testified that he was responsible for ensuring the proper disposition of General Short’s forces. He acknowledged that he must have received General Short’s report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, General Marshall’s integrity and sense of responsibility is a model for all of us. I only wish it had been his to have the intelligence over the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The 1995 Department of Defense report stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by, among other faults, ineptitude, limited coordination, ambiguous language, and lack of clarification and follow-up.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. They all underscored significant failures and shortcomings of the senior authorities in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor.

The 1995 Department of Defense report put it best, stating that “responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.”

This is an important quote. It shows that the Department of Defense recognizes that these two commanders should not be singled out for blame. Yet, still today on this issue, our government’s words do not match its actions. Kimmel and Short remain the only high ranking military officials who have been forced to pay a price for the disaster at Pearl Harbor.

Let me add one poignant fact about the two wartime investigations. Their conclusions—that Kimmel’s and Short’s forces had been improperly disposed according to the information available to them and that their superiors had failed to share important intelligence—were kept secret on the grounds that making them public would have been detrimental to the war effort.

Be that as it may, there is no longer any reason to perpetuate the cruel
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myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor. Admiral Spruance, one of our great naval commanders of World War II, shares this view. He put it this way:

And I have always felt that Kimmel and Short were held responsible for Pearl Harbor in order that the American people might have no reason to lose confidence in their government in Washington. This was probably justifiable under the circumstances at that time, but it does not justify forever damning those two fine officers."

Mr. President, this is a matter of justice and fairness that goes to the core of our military tradition and our nation's sense of military honor. That, above all, should relieve us of any inhibition to doing what is right and just.

Mr. President, this sense of the Senate has been endorsed by countless military officers, including those who have served at the highest levels of command. Men like former members of the Joint Chiefs of Staff Admiral Thomas H. Moorer and Admiral William J. Crowe, and former Chiefs of Naval Operations Admiral J.L. Hallway III, Admiral Elmo R. Zumwalt and Admiral Thomas H. Moorer.

Moreover a number of public organizations have called for posthumous advancement of Admiral Kimmel and Short. The VFW passed a resolution calling for the advancement of Admiral Kimmel and General Short again, with Senator Robert Dole, one of our most distinguished colleagues and a veteran who served heroically in World War II, has also endorsed this sense of the Senate resolution.

Yesterday, June 6, is a day that shall forever be remembered as a date of great sacrifice and great accomplishment for the men who took part of Operation Overload. D-Day marked the turning point, in the allied war effort in Europe, and led to our victory in the Second World War.

December 7, 1941, is also a date that will forever be remembered. That day will continue to be "a date which will live in infamy." It will serve as a constant reminder that the United States must remain vigilant to outside threats and to always be prepared.

However, this amendment is about justice, equity, and honor. Its purpose is to prevent an historic wrong, to ensure that Admiral Kimmel and General Short are treated with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and the important lessons learned from the catastrophe at Pearl Harbor.

As we commemorate another anniversary of the success of D-Day, it is a most appropriate time to redress this injustice. After 50 years, this correction is long overdue. I urge my colleagues to support this amendment.

Mr. BIDEN. Mr. President, I and my colleagues—Senators ROTH, KENNEDY, and THURMOND—are reintroducing an amendment that the Senate passed last year to provide long overdue justice for the two fine military officers, Admiral Husband Kimmel and General Walter Short.

Last year the Senate voted to include this amendment in the Defense authorization bill, but because the House had not considered such a provision, it was not included in the final conference report.

This year, having had time to consider the facts, the House Armed Services Committee included the exact same language that the Senate passed last year in their fiscal year 2001 Defense authorization bill, which passed the full House on May 18.

I also want to remind my colleagues that this resolution has the support of various veterans groups, including the Veterans of Foreign Wars and the Pearl Harbor Survivors Association. It is also a move supported by former Chiefs of Naval Operations, including Undersecretary Edward Dorn, Admiral Carlisle Trost, J.L. Hallway III, William J. Crowe, and Elmo Zumwalt.

As most of you know, Admiral Kimmel and General Short commanded U.S. forces in the Pacific at the time of the attack. After the attack, because they did not retaliate, they were blamed as completely responsible for the success of that attack.

I will not go through an exhaustive review of the record as the amendment itself provides the facts and the record from last year's debate was also quite thorough. Instead, I want to review the reasons I think this is the right action to take.

For me, this issue comes down to basic fairness and justice. It was entirely appropriate for President Roosevelt to decide to relieve these officers of their command immediately following the attack. Not only was it his prerogative as Commander in Chief, he also needed to make sure the nation had confidence in its military as it headed into war. So, I can understand the need, at that time, to make them scapegoats for the devastating defeat. What I do not accept is that the decisions of this government in those extreme times have been left to stand for the past 59 years.

To be more specific, it was a conscious decision by the government to actively release a finding of "dereliction of duty" a mere month after Pearl Harbor. Not one of the many subsequent and substantially more thorough investigations to follow agreed with that finding. Even worse, the findings of the official reviews done by the military in the Army Ithi Navy Inquiry Boards of 1944—saying that Kimmel and Short's forces were properly disposed—were classified and kept from the public.

Think about it. We are a nation proud of a civilian led military. The concept of civilian rule is basic to our notion of democracy. This means that the civilian leadership also has responsibilities to the members of its military. The families of Admiral Kimmel and General Short were vilified. They received death threats. Yet, Admiral Kimmel and General Short were denied their requests for a court martial. They were not allowed to properly defend themselves and their honor.

Moreover, a number of public organizations have called for posthumous advancement of Admiral Kimmel and General Short commanded U.S. forces in the Pacific at the time of the attack. After the attack, because they did not retaliate, they were blamed as completely responsible for the success of that attack. Instead, it is inconceivable that government actions which vilified these men and their families should continue to stand 59 years later. It is appropriate that government action be taken to rectify this. There are very few official acts we can take to rectify this. The one suggested by this amendment is to advance these officers on the retirement list.

They were the only two officers eligible for such advancement after Congress passed the 1947 Officer Personnel Act, denied that advancement.

I also want to point out that I do not believe this is rewriting history or shifting blame, instead, it is acknowledging the truth. The 1995 report by those who Undersecretary Dorn says "Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared." To say that and then take no action to identify others responsible or to rectify the absolute scapegoating of these two officers is to say that military officers can be hung out to dry and cannot expect fairness from their civilian government.

As a military man, whose leadership comes responsibility. This advancement on the retirement ranks involves no compensation. Instead, it upholds the military tradition that responsible officers take the blame for their failures, not for the failures of others. The unfortunate reality is that Admiral Kimmel and General Short were blamed entirely and forced into early retirement. As Members of Congress we face no statute of limitations on treating these men and finding out the truth so that we can learn from our mistakes.

By not taking any action to identify those who Undersecretary Dorn says share the blame, we have denied our military the opportunity to learn from the multiple failures that gave Japan the opportunity to so devastate our fleet.

This is not to say that the sponsors of this amendment want to place blame elsewhere, but rather, in quartering the witch hunt aimed at those superior officers who were advanced in rank and continued to serve, despite being implicated in the losses at Pearl Harbor. Instead, it validates that the historic record, as it is becoming clearer and clearer, is correct to say that blame should be shared. This amendment validates the instincts of those historians who have sought the full story and not the simplistic black-and-white version needed by a grieving nation immediately following the attack.

So, I urge my colleagues to support this amendment again this year. Quite simply, in the name of truth, justice,
and fairness, after 59 years the government that denied Admiral Kimmel and General Short a fair hearing and suppressed findings favorable to their case while releasing hostile information owes them this official action.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3233) was agreed to.

Mr. WARNER. Mr. President, Senator Roth has worked tirelessly on the issue revisiting that chapter of our history, the attack on Pearl Harbor. I remember a debate on the Armed Forces on that day. This is an action of some import being taken by Senator Roth sat right here in this chair for the Senate. I'm particularly interested in your statement that the actions of the 1941 Hawaiian Commanders might have prevented the Second World War and the situation in which we find ourselves today is utterly fantastic. The Hawaiian Commanders had no part in the exchange between the two governments and were never informed of the terms of the so-called ultimatum of November 26, 1941 to Japan, nor were they notified that the feeling of informed sources in Washington was that the Japenese reply to this ultimatum would trigger the attack on the United States. To blame the Hawaiian Commanders of 1941 for the situation in which we find ourselves today is something out of Alice in Wonderland.

The vote to the Japenese messages intercepted and decoded, exhaustive testimony before the Naval Court of Inquiry and the Joint Congressional Committee of Investigation shows that these decoded messages received after July 1941 were supplied to me and none were supplied to General Short. My book, "Admiral Kimmel's Story", contains a collection of documented facts which support this statement and give the text of important decoded intercepts which were withheld from me and from General Short. These decoded intercepts were in such detail that they made the Japenese intentions clear. Had they been supplied to the Hawaiian Commanders the attack would have been different if indeed the attack would ever have been made.

I know of other occasions in our military history where vital information was denied the commanders in the field.

To make unfounded charges against me and General Short to support your argument is grossly unfair and a misrepresentation of facts. The success of the attack on Pearl Harbor was not the result of inter-service rivalries at Pearl Harbor. The attack was caused by the deliberate failure of Washington to give the Commanders in Hawaii the information available in Washington to which they were entitled. This information which was denied to the Hawaiian Commanders was supplied to the American Commanders in the Philippines and to the British.

I request you insert this letter in the Congressional Record.

Yours very truly,

Husband E. Kimmel.

Groton, Connecticut.


Hon. Clarence Cannon,
House of Representatives, Committee on Appropriations, Eighty Fifth Congress, Washington, D.C.

Sir: You have failed up to the present time to provide me with the name of the individual whom you quoted in your remarks appearing in the Congressional Record of May 6, 1958 as authority for your statement that General Short and I were not on speaking terms at the time of the attack. I would like to very much to know the identity of the individual who gave this testimony before a subcommittee of the Appropriations Committee.

In the case of the alleged lack of cooperation between General Short and me your statement is completely in error. We did consult together frequently. As a man in your position you know that when the charges you have made, the Naval Court of Inquiry which was composed of Admiral Orin G. Murlin, Admiral Edward C. Kalbhus and Vice Admiral Adolphus Andrews, all of whom had held high commands afof, made an exhaustive investigation and reached the following conclusion:--

"Finding of Fact Number V."

"Admiral Kimmel and Lieutenant General Short were personal friends. They met frequently, both socially and officially. Their relations were cordial and cooperative in every respect and, in general, this is true as regards their subordinates. They frequently conferred with each other on official matters of common interest, but invariably did so when messages were received by either which had any bearing on the development of the United States-Japanese general plans in preparing for war. Each was mindful of his own responsibility and the responsibilities vested in the other. Each was interested in the progress of action by the other to a degree sufficient for all practical purposes."

Your statement that the actions of the 1941 Hawaiian Commanders might have prevented the Second World War and the situation in which we find ourselves today is utterly fantastic. The Hawaiian Commanders had no part in the exchange between the two governments and were never informed of the terms of the so-called ultimatum of November 26, 1941 to Japan, nor were they notified that the feeling of informed sources in Washington was that the Japenese reply to this ultimatum would trigger the attack on the United States. To blame the Hawaiian Commanders of 1941 for the situation in which we find ourselves today is something out of Alice in Wonderland.

The vote to the Japenese messages intercepted and decoded, exhaustive testimony before the Naval Court of Inquiry and the Joint Congressional Committee of Investigation shows that these decoded messages received after July 1941 were supplied to me and none were supplied to General Short. My book, "Admiral Kimmel's Story", contains a collection of documented facts which support this statement and give the text of important decoded intercepts which were withheld from me and from General Short. These decoded intercepts were in such detail that they made the Japenese intentions clear. Had they been supplied to the Hawaiian Commanders the attack would have been different if indeed the attack would ever have been made.

I know of other occasions in our military history where vital information was denied the commanders in the field.

To make unfounded charges against me and General Short to support your argument is grossly unfair and a misrepresentation of facts. The success of the attack on Pearl Harbor was not the result of inter-service rivalries at Pearl Harbor. The attack was caused by the deliberate failure of Washington to give the Commanders in Hawaii the information available in Washington to which they were entitled. This information which was denied to the Hawaiian Commanders was supplied to the American Commanders in the Philippines and to the British.

I request you insert this letter in the Congressional Record.

Yours very truly,

Husband E. Kimmel.

Groton, Connecticut.

transcript of that part of the record to which you refer.

The receipt of your remarks in the Congressional Record of 18 June is acknowledged without a letter in a franked envelope bearing your name and I presume sent by your direction.

Your remarks are a continuation of the frantic efforts of the Roosevelt Administration to divert attention from the failings in Washington and to place the blame for the catastrophic attack on the Commander at Pearl Harbor. Your account of the testimony that General Short and I were not on speaking terms at the time the Pearl Harbor was effectively publicized through sixteen years later I am still denied the name of the individual who perpetrated this lie.

For four years, from 1941 to 1945, the administration supporters and gossip peddlers had a field day making statements which the wall of government war time secrecy prevented me from answering.

One of the most prevalent and widespread was to the effect that General Short and I were not on speaking terms at the time of the attack. Another was that the uniformed services in Hawaii were all drunk when the attack came. This is the reason the Naval Court of Inquiry was given under the Roberts Report Ð ``They did not see it coming."

How ridiculous it is to assume that the former Chief of Naval Operations and a severe handicap to all fleet operations. The Navy court of Inquiry was the only investigation of the disaster. You are substantially correct in your assertion that all but life itself depended on their convincing the world of the failure of both. (General Short Ð Admiral Kimmel).

You refer to the statements in the Roberts Report to the effect that General Short and I were not on speaking terms. You have slandered the honorable, capable, and devoted officers who served as members of the Army Board of Investigation and the Navy Court of Inquiry. You have slandered the personnel of the Army and Navy stationed in Hawaii in 1941, many of whom gave their lives in defense of this country.

It is astounding to me that you should charge General Short and me of falsely testifying as to our personal and official cooperation even when as you phrase it Òall but lifeÓ themselves depended on their convincing the world of the failures of both officers and men on the evening preceding the attack.

You have slandered the honorable, capable, and devoted officers who served as members of the Army Board of Investigation and the Navy Court of Inquiry. You have slandered the personnel of the Army and Navy stationed in Hawaii in 1941, many of whom gave their lives in defense of this country.

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You refer to the statements in the Roberts Report to the effect that General Short and I were not on speaking terms. You have slandered the honorable, capable, and devoted officers who served as members of the Army Board of Investigation and the Navy Court of Inquiry. You have slandered the personnel of the Army and Navy stationed in Hawaii in 1941, many of whom gave their lives in defense of this country.

The testimony on this matter given before the Navy Court of Inquiry was given under oath and was true to my personal knowledge and is substantiated by much other testimony.

You, yourself, refer to the statements in the Roberts Report Ð "They did not see it coming."

You refer to the information that had been furnished to me and Admiral Short and specifically to a message based upon information from our Ambassador in Tokyo, Mr. Grew, dated 27 January 1941 to the effect that the Japanese intended to make a surprise attack against Pearl Harbor. You make no mention of the letter of the Chief of Naval Operations which forwarded this information to me on 1 February 1941 to the effect that the Japanese Division of Operations placed no credence in these rumors. Further more based upon known data regarding the present disposition and employment of Japanese forces no move against Pearl Harbor appears imminent or planned for the foreseeable future.

This estimate was never changed. When you refer to ÒA position so admirable defended as Pearl Harbor with every facility, submarine nets, radar, sonar, planes and ships of the lineÓ you create a very false impression. Admiral Richardson was relieved because he so strongly held that the Fleet should not be based in the Hawaiian area.

The Navy anti-aircraft batteries were woefully lacking but the War Department was unable to supply more.

Of 180 long range bombing planes authorized by the War Department in 1941 only 12 had arrived and of these six were out of commission as they had been stripped of vital parts to enable other planes of similar type to continue their flight to their destination in the Philippines.

Of 100 Navy patrol planes authorized for the 14th Naval District at Pearl Harbor not one had arrived. Division of Operations deferred due to the inability of the Air Force and the Interior Department to agree upon the location of these stations.

With reference to personnel for the ships there were serious shortages of both officers and enlisted personnel and men were consequently being detached to General Crowe crews for ships being newly commissioned.

No one has ever explained why the weaknesses so clearly detailed in the Secretary of Navy letter of 24 January, 1941 were permitted to continue during all the months at this outlying station whose security was vital to the safety of the fleet and of the United States.

Facilities to fuel the fleet were inadequate and a severe handicap to all fleet operations.
The only planes in Hawaii suitable for long distance scouting were the patrol planes assigned to the fleet and they were totally inadequate to cover the approaches to Hawaii. The planes and small patrol ships sent against the attacking force were the six S-17 Army planes and those attached to the two carriers.

At the time of the attack the two carriers were on missions initiated by the Navy Department. These and other deficiencies had been reported General Short and me as well as by our predecessors.

The messages of October 16, November 24 and November 27, 1941 from the Navy Department stressed sabotage and that an attack I made would be directed against ports in South East Asia or the Philippines. With the benefit of the intercepted Japanese messages, how they arrived at this conclusion will always be a mystery to me.

To add to our difficulties the messages also directed that, "If hostilities cannot, repeat cannot, be averted, that would be a tragedy indeed, that such a plan commit the first overt act. . . ."

The message of November 27, 1941 from the War Department to General Short specifically called for "Report messages taken". On the same date General Short replied, "Department alerted to prevent sabotage".

Recorded testimony shows this report was read by the Secretary of War, the Chief of Staff of the Army, the Chief of War Plans Agency, the War Plans Division of the War Department. There can be no reasonable doubt that this report was read and understood by these responsible officials in Washington. For nine days the Japanese attacks were reported, the War Department did not express any disapproval of this alert and did not give General Short any information calculated to make him change the alarm. What was most needed at Pearl Harbor at this time was the information in Washington from the Jap intercepts that indicated clearly an attack on Pearl Harbor.

The Navy Department sent me various messages quoting from intercepted Jap dispatches that were getting all such messages and acting accordingly. After the attack I found that many vitally important messages were withheld from the Hawaiian Commanders.

I was never informed that Jap intercepted messages had divided Pearl Harbor into five areas and sought minute information of the berthing of ships in those areas. A Jap dispatch decoded and translated on October 9, 1941 stated: "With regard to warships and aircraft carriers, we would like to have you report on those at anchor, (those are not so important) tied up at wharves, buoys, and in docks. (Designate types and classes briefly. If possible we would like to have you make mention of the fact when there are two or more vessels alongside the same wharf)."

On the other hand another dispatch was decoded and translated in Washington which described an elaborate and detailed system of symbols to be used thereafter in designating the location of vessels in Pearl Harbor.

A dispatch of November 15 decoded and translated in Washington on December 3, 1941 stated: "As relations between Japan and the United States are most critical, make your "ships" appear irregardless of the true rate of twice a week. Although you already are no doubt aware, please take extra care to maintain secrecy."

A dispatch of November 18 decoded and translated in Washington on December 5, 1941 stated: "Please report on the following areas as to vessels anchored therein: Area N. Pearl Harbor, Mamala Bay (Honolulu), and the Areas adjacent thereto. (Make your investigation with greatest secrecy)"

A dispatch of November 6, 1941, stated that the Jap Consul General in Honolulu had reported that "there was a battle between the Oklahoma Class; that in Area O there were three heavy cruisers at anchor, as well as carrier "Enterprise" or some other vessel; that two heavy cruisers of the Chicago Class were tied up at docks "KS". The course taken by destroyers entering the harbor, their speed and distances apart were also asked.

On December 4 a dispatch was decoded and translated in Washington which gave instructions to the Japanese Consul in Honolulu to report earlier classes in the neighborhood of the Hawaiian military reservation.

On December 5, 1941 a dispatch was decoded and translated in Washington which stated: "We have been receiving reports from you on ship movements, but in future you will also report even when there are no movements!"

In no other area was the Jap Government seeking the detailed information that they sought about Pearl Harbor.

In the preceding dispatches the attack reports were demanded even when there were no ship movements. This detailed information obtained with such pains-taking effort could have been used from a military viewpoint except for an attack on Pearl Harbor.

No one had a more direct and immediate interest in the security of the fleet in Pearl Harbor than its Commander-in-Chief. No one had a greater right than I to know that Jap harbor was divided into sub areas and was seeking and receiving reports as to the precise berthing in that harbor of the ships of the fleet. I had been sent Mr. Grew's report earlier in the year with positive advice from the Navy Department that no credence was to be placed in the rumored Jap plans for an attack on Pearl Harbor. I was told then, that no Jap move against Pearl Harbor appeared "im imminent or planned for the forseeable future". Certainly I was entitled to know what information in the Navy Department completely altered the information and advice previously given to me. Surely I was entitled to know of the intercepted dispatches between Tokyo and Honolulu that were received November 24, 1941, which indicated that a Jap move against Pearl Harbor was planned in Tokyo. Yet not one of these dispatches about the location of ships in Pearl Harbor was supplied to me.

Knowledge of these foregoing dispatches would have radically changed the estimate of the Jap threat and the status of my Staff situation.

General Willoughby in his book MacArthur 1941-1945 quotes a staff report from MacArthur's Headquarters. It stated:

"It was known that the Japenese consul in Honolulu cabled Tokyo reports on general ship movements. In October his instructions were "sharpened". Tokyo called for specific instead of general reports. In November, the daily reports were on a grid-system of the inner harbor with coordinate locations of American men of war: this was no longer a case of diplomatic curiosity; coordinate grid is the classical method for pin-point target designation; our battleships had suddenly become targets明确了."

"Spencer Akin was uneasy from the start. We drew our own conclusions and the Filipino-American troops took up beach positions long before the 29th. By the next three or four days you can finish your conversations with the Americans; if the signing

pressed by this information it is impossible to understand how its significance escaped all the talent in the War and Navy Department in Washington.

Yet not one of these dispatches about the berthing of ships in Pearl Harbor also clarified the significance of other Japanese dispatches decoded and translated in the Navy Department prior to the attack.

The deadline date was first established by a dispatch decoded and translated on November 22, 1941 the date of its origin.

"Because of various circumstances, it is absolutely necessary that all arrangements for the signing of this agreement be completed by the 28th. We realize that this is a difficult order, but under the circumstances it is an unavoidable one. Please understand this thoroughly and tackle the problem of saving the Japanese-United States relations from falling into a chaotic condition. Do so with great determination and without effort, I beg of you."

"This information is to be kept strictly to yourself alone".

The deadline was reiterated in a dispatch decoded and translated in the Navy Department on November 22, 1941.

"Judging from the progress of the conversations, there seem to be indications that the United States is still not fully aware of the impending crisis in Japan. It is therefore required that you, and translated in the Navy Department prior to the attack.

The deadline date was reiterated in a dispatch decoded and translated in the Navy Department on November 22, 1941.

"Whatever the case may be, the fact remains that the date set forth in my message #736 is absolutely immovable under present conditions. It is a definite deadline and that a settlement be reached by about that time. The session of Parliament opens on the 19th (work will start on the following day) accordingly, the government must have a clear picture of things to come in presenting its case at the session. You can see for yourself that the situation is nearing a climax, and that time is indeed becoming short . . ."

"Whatever the case may be, the fact remains that the date set forth in my message #736 is an absolutely immovable one. Please, therefore, make the United States see the light, so as to make the possible the signing of the agreement by that date."

The deadline was again repeated in a dispatch decoded in Washington on November 17.

"For your Honor's own information. I have read your #1000 and you may be sure that you have all my gratitude for the efforts you have put forth, but the fate of our Empire hangs by the slender thread of a few days, so please fight harder than you ever did before."
After receipt by Tokyo of the American note of November 26, the intercepted Japa-
nese dispatches indicate that J apan attached great importance to the continuance of nego-
tiations by both Governments to find a settlement that would take effect automatically on No-
ember 29, as evidenced by the J apanese dispatch of November 29, which was not inter-
cepted. I never received this information.

I never received this information. Again on December 1, 1941, Tokyo speci-
cally instructed its ambassadors in Wash-
ington that the November 29 deadline was set in toto.

In at least six separate dispatches on No-

On December 1, 1941 Tokyo advised its am-
bassadors in Washington:

The date set in my message #812 has come and gone and the situation continues to be
increasingly critical.

That the time for presenting this
telegraph to the Imperial Government has always made just claims and
will refuse to negotiate for the sake of peace in the Pacific.

In the afternoon of December 6, 1941 a J apanese
diplomatic dispatch was intercepted which
was not sent to me.

The intercepted J apanese diplomatic dis-
patches show that on and after November 29
a J apanese plan of action automatically
went into effect: that the plan was of such
importance that the Japanese
Government has always made just claims and
will refuse to negotiate for the sake of peace in the Pacific.

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importance that the Japanese
Government has always made just claims and
will refuse to negotiate for the sake of peace in the Pacific.
never been supplied with the name of the individual who is alleged to have testified that General Short and I were not on speaking terms.

HUSBAND E. KIMMEL.

Mr. REID. The letter was very moving, about what the whole family has gone through as a result of this incident. It affected the life of not only the admiral but his entire family. I also extend my appreciation to the Senators who have been so tenacious in allowing this matter to move forward.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator McCaín be listed as a cosponsor on the amendment by the Senator from Georgia on the Montgomery GI bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in the context of the Kimmel/Short matter, recently I have had an opportunity to be visited by the former Chief of Naval Operations, Adm. James Holloway, who would strongly endorse the action that is before the Senate with regard to these two officers.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator Reid of Nevada be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3234

(Purpose: To require reports on the spare parts and repair parts program of the Air Force for the C-5 aircraft)

Mr. LEVIN. On behalf of Senators Biden and Roth, I send an amendment to the desk that would require reports on the spare parts and repair parts program of the Air Force for the C-5 aircraft.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The senator from Michigan (Mr. LEVIN), for Mr. Biden, for himself and Mr. Roth, proposes an amendment numbered 3234.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 1027. REPORT ON SPARE PARTS AND REPAIR PARTS PROGRAM OF THE AIR FORCE FOR THE C-5 AIRCRAFT.

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

(1) There exists a significant shortfall in the Nation’s current strategic airlift requirement, even though strategic airlift remains critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out of C-141 aircraft and their replacement within C-5 fleet, but from lower than optimal reliability rates for the C-5 aircraft.

(3) One of the primary causes of these reliability rates for C-5 aircraft, and especially for operations of a single aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C-5 fleet.

(4) NMCS (Not Mission Capable for Supply) rates for C-5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, an average of 7 through 9 C-5 aircraft were not available during that period because of a lack of parts.

(5) Average rates of cannibalization of C-5 aircraft per 100 aircraft and parts also increased during that period and are well above the Air Mobility Command standard. In any given month, this means devoting additional maintenance personnel to cannibalizations of C-5 aircraft. At Dover Air Force Base, an average of 800 to 1,000 additional manhours were required for cannibalizations of C-5 aircraft during that period, and these manhours are often required for aircraft that transit through a base such as Dover Air Force Base, as well as at other bases.

(6) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the current structure of the Defense Department to deliver the right parts, trained and experienced technicians, and, over time, a sustained effort to upgrade the fleet to national security. It is absolutely wrong of this nation to continue to ask them to make those sacrifices year in and year out. We must get them the tools, and in this case, the parts, to do their jobs the right way.

In his testimony March 3, 2000 before the Readiness Subcommittee of the Armed Services Committee, Secretary of the Air Force F. Whitten Peters talked about the problem, pointing out that, “The C-5 related MICAP rate had increased over the last two quarters by 36 percent.” I just to clarify, MICAP is defined by the Secretary as the total hour a maintenance technician waits for all the parts that have been ordered to fix an aircraft.

In that same testimony, the Secretary also said, “The impact of these additional MICAP hours has been a decline in readiness.”

The problem is not just a Dover problem. On March 7, 2000, Major General Larry D. Northington, the Deputy Assistant Secretary (Budget) for the Air Force testified on the problem of parts shortages throughout the Air Force to Readiness Subcommittee. He pointed out that we must look at all aspects of this problem. “We must, therefore, expect significant spares investments for a long time to come to understand that mission capable rates are not a product of spares funding alone. It requires dollars, deliveries of the right parts, trained and experienced technicians, and, over time, a sustained effort to upgrade the fleet to achieve higher levels of reliability and maintainability.”

In other words, this is not a problem that can be solved by increased funding alone. We must also look at the entire structure that is supposed to deliver parts and make sure that we have adequate numbers of experienced people to maintain aircraft. In addition, we have to look at long-term modernization.

I am very pleased that this committee has fully supported the three C-5 modernization programs that are critical to improving reliability and maintainability—High Pressure Turbine Replacement, Avionics Modernization Program, and Reliability Enhancement and Re-engining Program.

Already, the High Pressure Turbine replacements that have occurred has meant that engines stay on their wings
June 8, 2000

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at least double the time they had in the past before needing to be removed for maintenance. This is an easy midterm fix that is already paying for itself. For the longer term, new engines are essential. The Committee authorized the necessary steps to fix this problem, what the impacts of the problem are for aircraft readiness and what is being done to fix the problem, and to replace antiquated parts that are particularly prone to breaking.

The C-5 engine was one of the first large jets ever made. Commercial planes are a good 5 generations of engines beyond the C-5. It is no wonder that there are no longer parts suppliers available. In fact, it can take up to two years to get parts because manufacturers no longer make those parts and so new versions must be created. Two years is not acceptable. With new engines, reliability will increase and operations and maintenance costs will go down. This not only means enhanced readiness, it also means that our military personnel doesn’t have to work 20 to 25 extra weeks a year.

In addition, the committee fully supported the Avionics Modernization Program. This program will ensure that C-5’s can fly in operationally more efficient manner, keeping the new Digital Air Traffic Management System in ad-dition, this program improves the safety of aircrews by installing systems like Traffic Collision and Avoidance Systems (TCAS) and enhanced weather navigation systems. Clearly, as the committee recognized, we cannot justly delay these important upgrades to the entire C-5 fleet.

Until these modernization programs are completed, the immediate problem is the day-to-day maintenance needs. Foremost among those needs is that parts be available to keep planes flying and that the cannibalization rates be reduced.

The current situation cannot con-tinue. It daily hurts the morale of our personnel and lowers the readiness of our military force. The C-5 is the long-legged workhorse of our strategic airlift fleet. It carries more cargo and heavier cargo further than any other plane in our inventory. It is what gets our warfighters and their heavy equipment to the fight. It is also what gets humanitarian assistance to needy victi-moms quickly enough to make a dif-ference.

My amendment simply requires the Secretary of the Air Force provide two reports to Congress, one by January 31 and one by September 30 of next year on the exact situation of C-5 parts shortages, what is being done to fix this problem, what the impacts of the problem are for aircraft readiness and reliability ratings, and what the im-pacts of the problem are for personnel readiness and retention. It is my hope that such a thorough review will allow us to fix the necessary steps to fix this problem, what the Air Force is concerned and taking steps to improve the parts shortage problem. I want to make sure that those efforts are comprehensive and that the hardworking men and women at Dover Air Force Base get some relief.

Mr. ROTH. Mr. President, I rise to discuss an amendment offered by my colleague from Delaware, Senator JOE BIDEN, and myself. This amendment deals with the vital importance of the C-5 Galaxy to our nation’s strategic airlift capability. No other aircraft has the capabilities of this proven work-horse, nor do we have the capability for the future we must not overlook the need to ensure the Galaxy has the parts necessary to perform safely and effectively.

I would like to commend the chair-man and the ranking member for ac-cepting this very important amend-ment, which requires the Secretary of the Air Force to report on “the overall status of the spare and repair parts program of the Air Force for the C-5 aircraft.”

The C-5 is the largest cargo transport plane in our Air Force. It is proven, and we depend on it to perform a vital role in our nation’s Strategic Airlift. It is also the current workhorse of our military for the future. This amendment, which requires the Secretary of the Air Force to examine the evolving importance of the C-5 Galaxy in our nation’s Strategic Airlift System by June 8, 2000, and then by September 30 of next year, will provide the Secretary of the Air Force with the information necessary to make a decision on the exact situation of C-5 parts shortages, what is being done to fix the problem, and to replace antiquated parts that are particularly prone to breaking.

The PRESIDING OFFICER. Without objection, the amendment (No. 3234) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, there are several colleagues desiring to be recognized for debate on this bill. Senator LEVIN and I will proceed to ask of the Chair that a group of amendments be adopted en bloc.

Mr. LEVIN. Mr. President, that is fine with this Senator.

AMENDMENTS NOS. 3235 THROUGH 3251, EN BLOC

Mr. WARNER. Mr. President, I send a series of amendments to the Senate that have been cleared by the ranking member and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment (No. 3235) was agreed to.

The amendment (No. 3236) was agreed to.

The amendment (No. 3237) was agreed to.

The amendment (No. 3238) was agreed to.

The amendment (No. 3239) was agreed to.

The amendment (No. 3240) was agreed to.

The amendment (No. 3241) was agreed to.

The amendment (No. 3242) was agreed to.

The amendment (No. 3243) was agreed to.

The amendment (No. 3244) was agreed to.

The amendment (No. 3245) was agreed to.

The amendment (No. 3246) was agreed to.

The amendment (No. 3247) was agreed to.

The amendment (No. 3248) was agreed to.

The amendment (No. 3249) was agreed to.

The amendment (No. 3250) was agreed to.

The amendment (No. 3251) was agreed to.

The amendment (No. 3252) was agreed to.

The amendment (No. 3253) was agreed to.

The amendment (No. 3254) was agreed to.
(Purpose: To clarify the authority of the director of a laboratory to manage personnel under an existing authority to conduct a personnel demonstration project)

On page 436, between lines 2 and 3, insert the following:

SEC. 111A. CLARIFICATION OF PERSONNEL MANAGEMENT AUTHORITY OF UNDER A PERSONNEL DEMONSTRATION PROJECT.

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 is amended-

(1) by striking the last sentence of paragraph (4); and

(2) by adding at the end the following:

"(5) The employees of a laboratory covered by a personnel demonstration project under this section shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. Notwithstanding any other provision of law, the director of the laboratory is authorized to appoint individuals to positions in the laboratory, and to fix the compensation of such individuals in those positions, under the demonstration project without the review or approval of any official or agency other than the Under Secretary.".

AMENDMENT NO. 3227

(Purpose: To authorize, with an offset, an additional $1,500,000 for the Air Force for research, development, test, and evaluation on weathering and corrosion on aircraft surfaces and parts (PE 62102F))

On page 34, between lines 2 and 3, insert the following:

SEC. 393. ADDITIONAL AUTHORIZATION FOR RESEARCH, DEVELOPMENT, TEST, AND EV ALUATION ON WEATHERING AND CORROSION OF AIRCRAFT SURFACES AND PARTS.

(a) INCREASE IN AUTHORIZATION.—The amount authorized to be appropriated by section 201(3) is hereby increased by $1,500,000.

(b) AVAILABILITY OF FUNDS.—The amount available under section 201(3), as increased by subsection (a), for research, development, test, and evaluation on weathering and corrosion of aircraft surfaces and parts (PE 62102F) is hereby increased by $1,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 201(4) is hereby decreased by $1,500,000, with the amount of such decrease being offset from the Surface and Guidence Technology (PE 63762).

AMENDMENT NO. 3228

(Purpose: To state the sense of the Senate on maintaining an effective strategic nuclear TRIAD)

On page 372, between lines 6 and 7, insert the following:

SEC. 1019. SENSE OF SENATE ON THE MAINTENANCE OF THE STRATEGIC NUCLEAR TRIAD.

It is the sense of the Senate that, in light of the potential for further arms control agreements with the Russian Federation limiting nuclear forces—

(1) it is in the national interest of the United States to maintain a robust and balanced TRIAD of strategic nuclear delivery vehicles, including long-range bombers, land-based intercontinental ballistic missiles (ICBMs), and ballistic missile submarines; and

(2) reductions to United States conventional bomber capability are not in the national interest of the United States.

AMENDMENT NO. 3229

(Purpose: To require the designation of each government-owned, government-operated ammunition plant of the Army as Centers of Industrial and Technical Excellence)

On page 72, strike line 3, and insert the following:

"(B) Each arsenal of the Army.

(C) Each government-owned, government-operated ammunition plant of the Army."

On page 77, strike line 17, and insert the following:

"(f) CONSTRUCTION OF PROVISION.—Nothing in this section may be construed to authorize a change, otherwise prohibited by law, from the performance of work at a Center of Industrial and Technical Excellence by Department of Defense personnel to performance by a contractor."

AMENDMENT NO. 3240

(Purpose: To establish a commission to assess the future of the United States aerospace industry and to make recommendations for actions for the Federal Government)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. AEROSPACE INDUSTRY BLUE RIBBON COMMISSION.

(a) FINDINGS. Congress makes the following findings:

(1) The United States aerospace industry, composed of manufacturers of commercial, military, and business aircraft, spacecraft, components, aircraft engines, avionics, electronic equipment, and related components and equipment, has a unique role in the economic and national security of our Nation.

(2) In 1999, the aerospace industry continued to produce, at $37,000,000,000, the largest trade surplus of any industry in the United States economy.

(3) The United States aerospace industry employs 800,000 Americans in highly skilled positions associated with manufacturing aerospace products.

(4) United States aerospace technology is preeminent in the global marketplace for both defense and commercial products.

(5) History since World War I has demonstrated that a superior aerospace capability usually determines victory in military operations and that a robust, technologically innovative aerospace capability will be essential for maintaining United States military superiority in the 21st century.

(6) Federal Government policies concerning investment in research and development, and procurement, controls on the export of services and goods containing advanced technologies, and other aspects of the Government-industry relationship will have a critical impact on the ability of the United States aerospace industry to retain its position of global leadership.

(7) Recent reorganization in aerospace research and development, in changes in global aerospace market share, and in the development of competitive, non-United States aerospace industry could undermine the future role of the United States aerospace industry in the national economy and in the security of the Nation.

(8) Because the United States aerospace industry stands at an historical crossroads, it is advisable for the President and Congress to appoint a blue ribbon commission to assess the future of the industry and to make recommendations for Federal Government actions to ensure United States preeminence in aerospace in the 21st century.

(b) ESTABLISHMENT. There is established a Blue Ribbon Commission on the Future of the United States Aerospace Industry.

(c) MEMBERS. The Commission shall be composed of 12 members appointed, not later than March 1, 2001, as follows:

(A) Up to 6 members appointed by the President.

(B) Two members appointed by the Majority Leader of the Senate.

(C) Two members appointed by the Speaker of the House of Representatives.

(D) One member appointed by the Minority Leader of the Senate.

(E) One member appointed by the Majority Leader of the House of Representatives.

(2) The members of the Commission shall be appointed from among:

(A) persons with extensive experience and national reputations in aerospace manufacturing, economics, finance, national security, international trade or foreign policy; and

(B) persons who are representative of labor organizations associated with the aerospace industry.

(3) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) The President shall designate one member of the Commission to serve as the Chairperson.

(5) The Commission shall meet at the call of the Chairperson. A majority of the members shall constitute a quorum, and a quorum number may hold hearings for the Commission.

(d) DUTIES. (1) The Commission shall—

(A) study the issues associated with the future of the United States aerospace industry in the global economy, particularly in relation to United States national security; and

(B) assess the future importance of the domestic aerospace industry for the economic and national security of the United States.

(2) In order to fulfill its responsibilities, the Commission shall study the following:

(A) The budget process of the Federal Government, particularly with a view to assessing the adequacy of projected budgets of the Federal Government agencies for aerospace research and development and procurement.

(B) The acquisition process of the Federal Government, particularly with a view to assessing—

(i) the adequacy of the current acquisition process of Federal agencies; and

(ii) the procedures for developing and fielding aerospace systems incorporating new technologies in a timely fashion.

(C) The policies, procedures, and methods for the financing and payment of government contracts.

(D) Statutes and regulations governing international trade and the export of technologies, particularly with a view to assessing—

(i) the extent to which the current system for controlling the export of aerospace goods, services, and technologies reflects an adequate balance between the need to protect national security and the need to ensure unhindered access to the global marketplace; and

(ii) the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the United States aerospace industry.

(E) Policies governing taxation, particularly with a view to assessing the impact of current tax laws and practices; and

(F) Programs for the maintenance of the national space launch infrastructure, particularly with a view to assessing the adequacy of current and projected programs for maintaining the national space launch infrastructure.

(G) Programs for the support of science and engineering education, including current programs for supporting aerospace science.
and engineering efforts at institutions of higher learning, with a view to determining the adequacy of those programs.

(e) Report.—(1) Not later than March 1, 2002, the President shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:
   (A) The Commission’s findings and conclusions.
   (B) Recommendations for actions by Federal agencies to support the maintenance of a robust aerospace industry in the United States in the 21st century.

(C) A discussion of the appropriate means for implementing the recommendations.

(f) Implementation of Recommendations.—(1) The President, after consultation with the Chairman of the Commission, shall issue an order for the implementation of the recommendations of the Commission.

(2) The report shall be submitted to the Congress on its activities to the President and Congress.

(3) The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LIEBERMAN. Mr. President, I rise to make a few remarks concerning an amendment to the National Defense Authorization Act for Fiscal Year 2000 (Pub. L. 106-398) that would establish a commission to assess the future of the United States aerospace industry and to make recommendations for actions by the Federal Government to improve this industries global competitiveness.

The modern aerospace industry fulfills vital roles for our nation. It is a pillar of the business community that employs 800,000 skilled workers. It is an engine of economic growth that generated a net trade surplus of $73 billion in 1996, larger than any other industrial sector. It is a working model of private-public partnership, yielding commercial and military benefits that have enhanced our communication and transportation capacities. It is a symbol of the technological achievements which enabled aerospace dominance demonstrated in both Kosovo and the Gulf War. And its well-known products, from the Boeing 777 to the Blackhawk helicopter to the Space Shuttle, serve as fitting symbols of America’s preeminence in an inter-connected world that thrives on speed and technology.

Unfortunately, this key industrial sector is facing new challenges to its leadership role in the global economy. Since 1985, foreign competition has cut the American share of the worldwide aerospace market from 72 percent to 56 percent. In order to remain competitive, we must reevaluate industrial regulations enacted during the Cold War, that might hamper innovation, destroy jobs, and must recast our defense research priorities, to counteract the 50% decline in discretionary funding for aerospace research and development during the last decade. We must reexamine the rules that govern export of aerospace products and technologies, and develop policies that permit access to global markets while protecting national security. We must assess all of these areas in light of new trade agreements that may require adjustments to our trade regulations and policies. Ultimately, we must assess the future of the aerospace industry and ensure that government policy plays a positive role in its development.

To accomplish this goal, this amendment calls for the creation of a Presidential commission empowered to recommend actions to the federal government regarding the future of the aerospace industry. The Commission shall be composed of experts from aerospace manufacturing, national security, and related economic issues, as well as representatives of organized labor. The Commission is directed to study economic and national security issues confronting the aerospace industry, such as the state of government funding for aerospace research and procurement, the rules governing exportation of aerospace goods and technologies, the effect of current taxation and trade policies on the aerospace industry, and the adequacy of aerospace science and engineering education in institutions of higher learning. I urge the Congress to support the creation of the Commission and the next President to support this initiative and heed its counsel. By creating such a commission and through careful consideration of these complex issues, we can ensure that this valuable American industry soars into the 21st century, turbulence-free.

AMENDMENT NO. 324

(Purpose: To guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.)

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Military Voting Rights Act of 2000.”

SEC. 2. GUARANTEE OF RESIDENCY.
(a) Certification.—The chairperson of the Federal Election Commission shall certify to the appropriate State and local election officials that the voting rights of members appointed from among private citizens as a result of the provisions of this Act shall be protected.

(b) CONFORMING AMENDMENT.—The heading of this section is amended by adding at the end the following:

“SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State;

(2) be deemed to have acquired a residence or domicile in any other State;

(3) be deemed to have become resident in or a resident of any other State.

(b) In this section, the term `State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.”

SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973f-3) is amended—

(1) by adding “(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973f-3) is amended—” before “Each State shall—” and “(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—”;

(2) by adding at the end the following:

“(d) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

“(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

“(2) except any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.”.

(b) CONFORMING AMENDMENT.—The heading of the third section of such Act (42 U.S.C. 1973f-4) is amended by adding “FEDERAL OFFICE” after “OFFICE”.

AMENDMENT NO. 322

(Purpose: To modify authority for the use of certain public lands in the Santa Clara Valley (Serrano-Harbord District, Port Hueneme, California) on page 543, between lines 19 and 20, insert the following:...
AMENDMENT NO. 3243

(Purpose: To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for survivors age 62 and older)

In title VI, at the end of subtitle D, add the following:

(d) CONFORMING AMENDMENTS.—Such section, as so amended, had been used for the initial computation of the annuity; and
(b) each supplemental survivor annuity under such section that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The recomputed annuities under paragraph (1) apply with respect to the following months:

(A) Each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under the provisions of that section, as amended by this section, had been used for the initial computation of the annuity; and
(B) each supplemental survivor annuity under that section that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(3) The recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.
(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—In the case of a survivor of a deceased military personnel, if the percent applicable for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001, 40 percent for months beginning on or before October 2004, and 50 percent for months beginning after September 2004.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the applicable percent"; and
(2) by inserting after the first sentence the following: "The percent used for the computation shall be the percent specified in paragraph (1) and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after October 2004.

(c) CONFORMING AMENDMENTS.—Such section, as so amended, had been used for the initial computation of the annuity; and
(b) each supplemental survivor annuity under that section that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.
(B) October 2004.

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(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking "35 percent" and inserting "the applicable percent"; and
(2) by inserting after the first sentence the following:

Mr. President, the bill that we are currently considering contains several

Mr. President, I am confident that each senator has received mail from military spouses expressing their dismay that they are not receiving the 55 percent of their husband's retirement pay as advertised in the Survivor Benefit Plan literature provided by the Department of Defense. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these military spouses expressed as they observed the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

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initiatives to restore to our military retirees benefits that they have earned, but which gradually were eroded over the past years. My amendment would add a small, but important, earned benefit for our military retirees, especially their survivors.

Mr. President, I want to thank Senators LOTT, CLELAND, COCHRAN, LANDRIEU, SNOWE, MCCAIN, SESSIONS, INOUYE, and DODD for joining me as co-sponsors of this amendment and ask for its adoption.

AMENDMENT NO. 3244
(Purpose: To eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

On page 236, between lines 6 and 7, insert the following:

SEC. 646. EQUITABLE APPLICATION OF EARLY RETIREMENT ELIGIBILITY REQUIREMENTS TO MILITARY RESERVE TECHNICIANS.

(a) TECHNICIANS COVERED BY FERS.—Paragraph (1) of section 8414(c) of title 5, United States Code, is amended by striking "after completing 25 years of service" and inserting "after completing 25 years of service or after becoming 50 years of age and completing 20 years of service".

(b) TECHNICIANS COVERED BY CSRS.—Section 8336 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(p) Section 8414(c) of this title is amended—"

(1) under paragraph (1) of such section to a military reserve technician described in that paragraph for purposes of determining entitlement to an annuity under this subchapter; and

(2) under paragraph (2) of such section to a military technician (dual status) described in that paragraph for purposes of determining entitlement to an annuity under this subchapter.

(c) TECHNICAL AMENDMENT.—Section 1109(a)(2) of Public Law 105-261 (112 Stat. 2143) is amended by striking "adding at the end the following:"

"inserting after subsection (n):" and inserting "inserting after subsection (n):"

(d) APPLICABILITY.—Subsection (c) of section 8414 of such title (as amended by subsection (b)) is amended by adding a period at the end of subsection (b), shall apply according to the provisions thereof with respect to separations from service occurring on or after October 5, 1999.

AMENDMENT NO. 3245
(Purpose: To provide space-required eligibility for travel on aircraft of the Armed Forces, places of inactive-duty training by members of the reserve components who reside outside the continental United States.

On page 239, after line 22, insert the following:

SEC. 654. TRAVEL BY RESERVES ON MILITARY AIRCRAFT TO AND FROM LOCAL TATIONS OF THE CONTINENTAL UNITED STATES FOR INACTIVE-DUTY TRAINING.

(a) SPACE-REQUIRED TRAVEL.—Subsection (a) of section 18505 of title 10, United States Code, is amended—

(1) by inserting "residence or" after "in the case of a member of a reserve component whose"; and

(2) by inserting after "including a place" the following: "of inactive-duty training";

(b) APPROPRIATE AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"18505. Space-required travel: Reserves traveling to inactive-duty training."

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

"18505. Space-required travel: Reserves traveling to inactive-duty training."
hard-working men and women ensure drill and annual training remain focused on preparation for war fighting and conducting peace-time missions.

During the cold war, Guard and Reserve forces were underutilized. During the 1960s, the Guard's active-duty end strength was 105,000. The corresponding Guard strength more than one million personnel but contributed support to the active forces at a rate of fewer than 1 million work days per year.

At the end of the cold war, force structure and personnel end strength were drastically cut in all the active services. Almost immediately, the nation discovered that the post-cold-war world is a complex, dangerous, and expensive place. Deployments for contingency operations, peacekeeping missions, humanitarian assistance, disaster relief and counter-terrorism operations increased dramatically. Most recently, our forces have been called upon to destroy the capability of Saddam Hussein and his forces, bring peace and stability to Kosovo through warlord Milosevic and his forces out of Kosovo, ensure a safe, stable and secure environment in the Balkans, and rescue and rebuild from natural disasters at home and abroad.

Because of the increased deployments and the reduction in the active force, we became significantly more dependent on the Army and Air National Guard. In striking contrast to cold war levels of contributory support, today's Guard and Reserve forces are providing almost 13 million work days of support to the active components on an annual basis—a thirteen fold increase and equivalent to the addition of some 35,000 personnel to active component end strength, or two Army divisions. For example, the 49th Armored Division from the Lone Star State is currently leading operations in Kosovo, and the Army just identified four more Guard units for deployment to Kosovo. With this increased reliance on the active force to the Guard came the obligation to increase Guard staffing to keep pace with the expanded mission. The Army and Air National Guard established increased full-time staffing as their number one priority. We agreed with them, but we have not yet held up our end of the bargain. We gave them the mission; we must now give them the personnel resources to accomplish it.

The Department of Defense has identified a shortfall in full-time manning of 1,052 "AGRs" (Active Guard/Reserves) and 1,543 Technicians. Frankly, I agree with their numbers, but I do not see how we can afford immediately to increase their staffing to those levels. Accordingly, the Bond-Bryan amendment proposes an incremental increase in the number of full-time positions. We ask that S. 2549 be amended to provide for an additional 526 "AGRs" and 771 Technicians as their number one priority. We agreed with them, but we have not yet held up our end of the bargain. We gave them the mission; we must now give them the personnel resources to accomplish it.

The amendment we are offering today will authorize $38 million to provide an additional 526 AGRs and 771 Technicians for the Army National Guard. Frankly, Mr. President, I would like to have gone further, and provided the Guard with the personnel they need to achieve the minimal personnel levels identified by the National Guard Bureau of 23,500 AGRs and 25,500 Technicians. But like the incremental increases that we provided last year, this amendment represents an important step towards achieving that overall goal.

Our amendment has well over 60 co-sponsors from both sides of the aisle. Not only does it attract this much support from across the ideological spectrum, and I interpret that as a Senate endorsement of the critical missions the National Guard performs, ranging from providing important emergency and other support services to their states, to participating in international peacekeeping missions across the globe, including Bosnia and Kosovo. It should be noted that both the Senate majority leader and the Senate minority leader supported the original co-sponsors, as are the chairman and ranking member of the Senate Appropriations Committee. The amendment is also supported by the National Guard Bureau, the National Guard Association of the United States, the Adjutants General Association of the United States, and other organizations.

The National Guard represents 34 percent of our Total Force Army Strength and 19 percent of our Total Air Force Strength. Nearly half a million Americans serve in the National Guard, playing a critical complementary role to their active duty counterparts, and we have an obligation and a responsibility to make sure every State, every unit, and every member of the Guard has the resources required to function efficiently and effectively.

I am hopeful that with such broad, bipartisan support from the Senate National Guard Caucus, Senator Bond, for his authorship and leadership on this amendment, Senator Bono continues to demonstrate an accomplished commitment to the National Guard, our reserve components, and all of our Armed Forces. I also wish to recognize and thank Mr. James Pitchford and Ms. Shelby Bell of Senator Bond's staff for their hard work on this successful, bipartisan effort.

AMENDMENT NO. 3250

(Purpose: To provide compensation and benefits to Department of energy employees and contractor employees for exposure to beryllium, radiation, and other toxic substances. The text of the Amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I strongly support this important step to compensate workers who became sick from occupational exposure to beryllium, radiation, and other toxic substances as part of the Cold War buildup. I commend my colleagues Senator THOMPSON, Senator VESEY, Senator DE WINE, and Senator BINGAMAN for their leadership on this issue.

During the cold war, thousands of men and women who worked at the nation's atomic weapons plants were exposed to unknown hazards. Many were exposed to dangerous radioactive and chemical materials at far greater levels than their employers revealed. The debilitating, and often fatal, illnesses

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suffered by these workers came in many forms of cancer, as well as other illnesses that are difficult to diagnose. This provision brings long overdue relief to these workers and their families.

The Department of energy investigated this issue. It found that workers who served for years to maintain and strengthen our defenses during the Cold War were not informed or protected against the health hazards they faced at work. Only during the Clinton Administration has the evidence emerged that workers were exposed to materials that were much more radioactive—and much more deadly—than previously revealed.

I commend Secretary Richardson for his leadership in bringing this issue to light, and for his efforts to close this tragic chapter in the nation’s history for the thousands of workers and their families whose lives were affected.

One of the earliest instances of the health dangers of beryllium occurred during World War II at the Sylvania Company in Salem, Massachusetts. At this plant, doctors first identified cases of beryllium disease, an acute and often fatal illness that seemed similar to tuberculosis. At the time, the company used beryllium in manufacturing fluorescent light bulbs.

Some of the earliest radiation experiments were conducted at the Massachusetts Institute of Technology in Cambridge as part of the Manhattan Project. Scientists at MIT were also among the first to conduct experiments with beryllium oxide ceramics for the Manhattan Project and the Atomic Energy Corporation. Many of the first cases of beryllium disease occurred among these scientists.

We have an opportunity today to remedy the wrongs suffered by these Department of Energy workers. Our amendment creates a basic framework for compensation. It is the least we can do for workers who made such great sacrifices for our country during the cold war. They have already waited too long for this relief.

Mr. THOMPSON. Mr. President, I rise to offer an amendment along with a bipartisan group of Senators, including Senator Bingaman, Senator Voinovich, Senator Kennedy, Senator DeWine, Senator Reid, Senator Thurmond, Senator Bryan, Senator Feist, Senator Murray, Senator Mirkowski, Senator Harkin, and Senator Stevens.

Mr. President, watching President Clinton’s summit meeting with Russian President Vladimir Putin last weekend, I think we were all reminded of how far our two nations have come over the past decade, since President Reagan imploded President Gorbachev to “tear down (the Berlin) Wall,” and President Bush presided over its destruction. We witnessed the new treaties have been signed, the Cold War has dominated the politics of our security for four decades is over, and the United States won. We should be proud of that victory and we should never forget the strength and resolve through which it was achieved.

But it has become clear in recent months that that victory came at a high price for some of those who were most responsible. I am calling today to talk about workers in our nuclear weapons facilities run by the Department of Energy or their contractors. We now have evidence that, in at least some instances, the federal government that hired these workers failed to serve them without their knowledge.

I first became concerned about this issue three years ago when my hometown newspaper, the Nashville Tennessean, published a series of stories describing a pattern of unexplained illnesses in the Oak Ridge, Tennessee area. Many of the current and former Oak Ridge workers profiled in the stories believed that their illnesses were related to their service at the Department of Energy site. In 1997, I asked the Director of the Centers for Disease Control to send a team to Oak Ridge to assess the situation and to try to determine if what we were seeing there was truly unique. Unfortunately, in the years since DOE did not take that broad enough look at the situation to really answer the questions that had been raised.

And that, of course, has been a pattern that has gone on at DOE sites over the years. Countless health studies have been done, some on very narrow populations and some on larger ones, some showing some correlations and some not able to reach any conclusions at all. The data is mixed, some of it is flawed, and we are left with a situation that is confusing and from which it is very difficult to draw any definite conclusions.

And yet, there is a growing realization that there are illnesses among current and former DOE workers that logic tells us are related to their service at these weapons sites. For example, hundreds of current and former workers in the DOE complex have been diagnosed with Chronic Beryllium Disease. The only way to contract either of these conditions is to be exposed to beryllium powder. The only entities that use beryllium in that form are the Department of Energy and the Department of Defense.

And there are other examples, perhaps less clear cut, but certainly worthy of concern. Uranium, plutonium, and a variety of heavy metals found in people’s bodies. Anecdotes about hazardous working conditions where people were unprotected against both exposures they knew they were there and exposures of which they were not aware. It’s time for the federal government to step up to any responsibility and face up to the fact that it appears as though it made at least some people sick.

The question now is: what do we do about it? And how do we make sure it never happens again?

This amendment attempts to answer the first of those two questions. It would set up a program, administered by DOE, that would also provide compensation to employees who are suffering from chronic beryllium disease, or from a radiation-related cancer that is determined to likely have been caused by exposures received in the course of their service at a DOE facility. The government would also provide a mechanism for employees suffering from hazardous chemicals and other toxic substances in the workplace to gain access to state workers’ compensation benefits, which are generally denied for such illnesses at present.

Mr. President, our amendment takes a science-based approach. It is not a blank check. It does not provide benefits to anyone and everyone who worked at a DOE facility who has taken ill.

In the case of beryllium, we can say with certainty that if someone has chronic beryllium disease and they worked around beryllium powder, their illness is work-related; there is no other way to get it.

The same is not true of cancer, of course. A physician cannot look at a tumor and say with certainty that it was caused by exposure to radiation, or by smoking, or by a genetic disposition, or by any other factor. However, we do know that radiation in high doses has been linked to certain cancers, and we now know that some workers at DOE facilities were exposed to radiation, often with inadequate protections.

What this amendment does is employ a mechanism developed by scientists at the National Institutes of Health and the National Cancer Institute to determine whether a worker’s cancer is at least as likely as not related to exposures received in the course of their employment at a DOE facility. The model takes into account the type of cancer, the dose received, the worker’s age at the time of exposure, sex, lifestyle factors such as whether the worker smoked, and other relevant factors.

In many, if not most, cases, it should be possible to determine with a sufficient degree of accuracy the radiation dose that a particular worker or group of workers received. However, in some cases—because the Department of Energy kept inadequate or incomplete records, altered some of its records, and even tampered with the dosimetry badges that workers were supposed to wear—it may not be possible to estimate with any degree of certainty the radiation dose a certain worker received. For these workers, who are really the victims of DOE’s bad behavior, our amendment provides an expedient means to provide workers with the specified list of radiation-related cancers.

Mr. President, the Governmental Affairs Committee, which I chair, held a
hearing on this issue back in March. We heard testimony from several workers from Oak Ridge, Tennessee and Piketon, Ohio who are suffering from devastating illnesses as a result of their service to our country. And of course, the families of these workers are affected—it is their entire family that suffers emotionally, financially, and even physically.

In the end, we must remember that these workers were helping to win the cold war, to defend our Nation and protect us. They were proud of the work that they were doing. If the Federal Government made mistakes that jeopardized their health and safety, then we need to do what we can to make it right. That is what this amendment would do. I want to thank the Chairman of the Armed Services Committee, Senator WARNER, for his support, as well as Senator LEVIN. I urge the rest of my colleagues to support it as well.

Mr. BINGAMAN. Mr. President, I am pleased to join with Senator THOMPSON and others in offering this strongly bipartisan amendment. It addresses occupational illnesses scientifically found to be associated with the DOE weapons complex, that have occurred and are now occurring because of activities during the cold war.

This amendment is a joint effort of a bipartisan group of Senators. Specifically, it has been put together by staff for myself, Senator FRED THOMPSON, Senator GEORGE VOINOVICH, Senator MIKE DEWINE, and Senator TED KENNEDY. We have worked with the administration, with worker groups, and with manufacturers. The staff have met with the Armed Services Committee staff during the development of this amendment, and I want to acknowledge the chair and ranking member of the Armed Services Committee for their support for this amendment.

The workers in the DOE nuclear weapons complex, both at the production plants and the laboratories, helped us win the cold war. But that effort left a tragic environmental and human legacy. We are spending billions of dollars each year on the environmental part—cleaning up the physical infrastructure that was contaminated. But we also need to focus on the human legacy.

This amendment is an attempt to put right a situation that should not have occurred. But it proposes to do so in a way that is based on sound science.

The amendment focuses federal held on three classes of injured workers.

The first group is workers who were involved with beryllium. Beryllium is a non-radioactive metal that provokes, in some people, a highly allergic lung reaction. The lungs become scarred, and no longer function.

The second group is workers who dig the tunnels for underground nuclear tests, and today suffering from chronic silicosis due to their occupational exposures to silica, which were not adequately controlled by DOE.

The third group of workers are those who had dangerous doses of radiation on the job. These workers were employed at numerous current and former DOE facilities. We have included a general definition of facilities in the legislation, in lieu of including a list that might be incomplete, but for purposes of helping in the implementation of this amendment, if enacted into law, I would like to ask unanimous consent that a non-exclusive list of the facilities to be covered under this amendment be printed in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BINGAMAN. For beryllium workers, there are tests today that can detect the first signs of trouble, called beryllium sensitivity, and also the actual impairment, called chronic beryllium disease. If you have beryllium sensitivity, you are at a higher risk for developing chronic beryllium disease. You need annual check-ups with tests that are expensive. If you develop chronic beryllium disease, you might be disabled or die.

This amendment sets up a federal workers' compensation program to provide medical benefits to workers who acquired beryllium sensitivity as a result of their work for DOE. It provides both medical benefits and workers' compensation for workers who suffer disability or death from chronic beryllium disease.

For radiation, the situation is more complex. Radiation is proven to cause cancer in high doses. But when you look at a cancer tumor, you can't tell for sure whether it was caused by an alpha particle of radiation from the workplace, a molecule of a carcinogen in something you ate, or even a stray cosmic ray from outer space. But scientists can make a good estimate of the types of radiation doses that make it more likely than not that your cancer was caused by a workplace exposure.

This amendment puts the Department of Health and Human Services (HHS) in charge of making the causal connection between specific workplace exposures to radiation and cancer. Within the HHS, it is envisioned by this amendment that the National Institute for Occupational Safety and Health (or NIOSH) take the lead for the tasks assigned by this amendment. Thus, the definition section of the amendment specifies that the Secretary of HHS act with the assistance of the Director of NIOSH. This assignment follows a decision made in DOE during the Bush Administration, and ratified by the National Defense Authorization Act for Fiscal Year 1993, to give NIOSH the lead in identifying levels of exposure at DOE sites that present employees with significant health risks.

HHS was also given a Congressional mandate, in the Orphan Drug Act, to develop and publish radioepidemiological tables that estimate "the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses prior to the onset of such disease developed cancer as a result of those doses." This amendment would ask the advisory committee for inclusion of how the bill envisions these guidelines would be used as an exhibit at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

Mr. BINGAMAN. Under guidelines developed by the HHS and used in this amendment, if your radiation dose was high enough to make it at least as likely as not that your cancer was DOE-work-related, you would be eligible for compensation for lost wages and medical benefits.

The HHS-based method will work for many of the workers at DOE sites. But it won't work for a significant minority who were exposed to radiation, but for whom it would be infeasible to reconstruct their dose.

There are several reasons why reconstructing a dose might be infeasible. First, relevant records of dose may be lacking, or might not exist altogether. Second, there might be a way to reconstruct the dose, but it would be prohibitively expensive to do so. Finally, it might take so long to reconstruct a dose for a group of workers that they will all be dead before we have an answer that can be used to determine their eligibility.

One of the workers who testified at my Los Alamos hearing might be an example of a worker who could fall into the cracks of a system that operated solely on dose histories. He was a supervisor at what was called the "hot dump" at Los Alamos. All sorts of radioactive materials were taken there to be disposed of. It is hard to reconstruct who handled what. And digging up the dump to see what was there would not only be very expensive, it would expose new workers to radiation risks that could be large.

There are a few groups of workers that we know, today, belong in this category. They are specifically mentioned in the definition of Special Exposure Cohort. For other workers to be placed in this special category, the definition of who it was that handled the wastes would have to be made by HHS and by an independent external advisory committee of radiation, health, and workplace safety experts. We allow groups of workers to petition to be considered by the advisory committee for inclusion in this group. Once a group of workers was placed in the category, it would be eligible for compensation for a fixed list of radiation-related cancers.

The program in this amendment also allows for lump-sum payment, combined with ongoing medical coverage under section 8103 of title 5, United States Code. This could be
helpful, for example, in settling old cases of disability. It may be a good deal for survivors of deceased workers whose deaths were related to their work at DOE sites.

The provisions of the workers' compensation program in this amendment are largely modeled after the Federal Employee's Compensation Program or FECA, which is found in chapter 81 of title 5, United States Code. In many parts of the amendment, entire sections of FECA are incorporated by reference. In other sections, portions of FECA are restated in more general language to account for the fact that the specific language in FECA would cover only Federal employees, while in this amendment we are covering Federal contractor and subcontractor employees, as well. In some instances, we modified provisions in FECA to address known problems in its current implementation or to reflect current standards of administrative law. One example of this is a decision not to incorporate section 8232(b) of title 5, United States Code, into this amendment.

That section absolutely precludes judicial review of decisions concerning a claim by the Department of Labor. Since such decisions involve the substantial rights of individuals being conferred by this amendment, and since they are made through an informal administrative process, it seems appropriate to the sponsors of this amendment that there be external review of such decisions, for example, arbitrary and capricious conduct in processing a claim.

The amendment also had numerous administrative provisions to ensure a fair process and to guard against double compensation for the same injury. As the sponsors were developing this amendment, we received a lot of interest in federal compensation for exposure to other toxic substances. This amendment does not provide federal compensation for chemical hazards in the DOE workplace, but does authorize DOE to work with States to get workers with adverse health effects from their exposure to these substances into State worker compensation programs. It also would commission a GAO study of the process for a coal miner's therapy, for example, a "reasonable and necessary'' therapy for a mine worker suffering from black lung disease.

We have a duty to take care of sick workers from the nuclear weapons complex today. It is a doable task, and a good use of our national wealth at a time of budget surpluses. I urge my colleagues to support this bipartisan amendment.

**Exhibit 1**

**Examples of DOE and Atomic Weapons Employer Facilities That Would Be Included Under the Definitions in This Amendment**

(Not an Exclusive List of Facilities)

Atomic Weapons Employer Facility: The following facilities that provided uranium conversion or manufacturing services would be among those included under the definition in section 3503(a)(5):

- Allied Signal Uranium Hexafluoride Facility, Metropolis, Illinois.
- Linde Air Products facilities, Tonawanda, New York.
- Mallinckrodt Chemical Company facilities, St. Louis, Missouri.
- Nuclear Fuels Services facilities, Erwin, Tennessee.
- Reactive Metals facilities, Ashtabula, Ohio.
- Department of Energy Facility: The following facilities (including any predecessor or successor facilities to such facilities) would be among those included under the definition in section 3503(a)(15):
  - Idaho National Engineering Laboratory, Idaho Falls, Idaho.
  - Iowa Army Ammunition Plant, Burlington, Iowa.
  - Kansas City Plant, Kansas City, Missouri.
  - Latty Avenue Properties, Hazelwood, Missouri.
  - Lawrence Berkeley National Laboratory, Berkeley, California.
  - Lawrence Livermore National Laboratory, Livermore, California.
  - Los Alamos National Laboratory, Los Alamos, New Mexico, including related sites such as Acid/Pueblo Canyons and Bayo Canyon.
  - Marshall Islands Nuclear Test Sites, but not the 13 cancers in the original tables from 1985. These tables account for the fact that different cancers have different relative sensitivities to ionizing radiation. The determination of a PC takes into account the radiation dose and dose rate, the type of radiation exposure (external, internal, age at exposure, sex, duration of exposure, elapsed time following exposure, and (for lung cancer only) smoking history. Because a calculated PC is subject to a variety of classical and methodological uncertainties, a "confidence interval'' around the PC is also determined.

Thus, a PC is calculated as a single, "point estimate'' along with a 99% confidence interval which bounds the uncertainty associated with that estimate. If we have 99% certainty that the upper bound of a PC is greater than or equal to 0.5 (i.e., a 50% likelihood of causality), then the cancer is considered at least as likely as not to have been caused by the radiation dose used to calculate the PC. For example, for a given cancer and radiation exposure history, the PC may by 0.38 with a 99% confidence interval of 0.21 to 0.55. This means that there is 38% likelihood that a cancer was caused by their radiation dose, and we can say with 99% confidence that this estimate is between 21% and 55%. Since the upper bound is 55%, this person's cancer would be considered to be at least as likely as not to have been caused by exposure to radiation, and the person would be eligible for benefits under the proposed program.

Mr. VOINOVICH. Mr. President, I rise today to join my colleagues, Senators DeWine, Thompson, Frist, Thurmond, Murkowski, Bingaman, Reid, Bryan, Kennedy,arkin, and Murray in support of an important amendment that will provide financial and medical compensation to Department of Energy workers who have been made ill while working to provide for the defense of the United States.

Since the end of World War II, at facilities all across America, tens of thousands of dedicated men and women in our civilian federal workforce helped keep our military fully supplied and our nation fully prepared to face any threat from our adversaries around the world. The success of these workers in meeting this challenge is measured in part with the end of the Cold War and the collapse of the Soviet Union. However, for many of these workers, their success came at a high price. They sacrificed their health, and even their lives—in many instances without knowing the risks they were facing—to protect our liberty. I believe these men and women have paid a high price for our freedom, and one of the things we should do is provide a high price for their service.
by exposure to beryllium, radiation or other hazardous substances. Our bill, S. 2519, the "Energy Employees Occupational Illness Compensation Act of 2000," also provides that compensation be paid to survivors of workers who have died and suffered from an illness resulting from exposure to these substances.

Need for this type of legislation was further solidified when on May 25th, Energy Secretary Bill Richardson released a report on safety and management practices at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. The report, which was based on an independent investigation authorized by Secretary Richardson, highlighted unsafe conditions at Piketon and deemed past management practices as shoddy and in many cases, inadequate to protect the health and safety of Piketon's workforce. The report confirmed many of the fears that these workers have quietly faced for years, and it is imperative that we pass legislation this year that will compensate these innocent survivors of workers who have died from or contracted CBD, and hundreds have died from it, making CBD the number-one illness that we should use sound science to determine exposure levels and relationships between this amount of money. Some may ask how we will know which worker or family member has a bona fide claim for compensation. These are legitimate concerns. However, the nature of the illnesses involved suggests more than a coincidental relationship with their victims.

For example, beryllium disease is a "fingerprint" disease. That means it is particular and cannot be mistaken for any other disease, leaving no doubt as to what caused the illness of the sufferer. Additionally, the processing of the beryllium metals that cause Chronic Beryllium Disease is singularly unique to our nuclear weapons facilities. In cases of radiation exposure at DoE facilities, it is understandable that some may question whether a person was exposed to radioactive materials from another source, primarily because records may not reflect that an employee was exposed to such materials. The Department of Energy's independent investigation at Portsmouth showed that, in some cases, the destruction and alteration of DoE workers' records occurred. There have been anecdotes indicating similar occurrences at other DoE facilities around the nation. Additionally, dosimeter badges, which record radiation exposure, were not always required to be worn by DoE workers. And when they were required, they were not always worn properly or consistently. Workers at the Piketon plant also have stated that plant management not only did not keep adequate dosimeter records, in some cases, they chanted the dosimetry records to show lower levels of radiation exposure. There have been reports that DoE plant management would even change dosimeter badges to read "zero," which means the level of exposure to radiation would be officially recorded as zero, regardless of the exposure level that actually registered on the badge.

In too many instances, records do not exist, and where they do exist, there is reason to doubt their accuracy. The amendment recognizes that this is the case at the Department of Energy's three Gaseous Diffusion Plants—Piketon, Ohio, Paducah, Kentucky and Oak Ridge, Tennessee—and takes the unusual step of placing the burden of proof on the government to prove that an employee's illness was not caused by workplace hazards. This amendment allows for sound science where it is available, specifically in cases where the level of exposure to radiation doses, and scientifically assure that a worker's cancer is work-related or not. However, if it is not reasonably possible to adequately and accurately estimate radiation doses, then ill workers covered under this amendment would be eligible for compensation that is based on criteria that exists for workers at our nation's Gaseous Diffusion Plants.

To be clear, Mr. President, under normal circumstances I am not one who would advocate a "guilty until proven innocent" approach. I firmly believe that we should use sound science to determine exposure levels and relationships to illness. Yet, these are not normal circumstances, and the reason we are offering this amendment today is because in too many instances, sound science either does not exist in DoE facility records, or it cannot be relied upon for accuracy.

For example, in my own state of Ohio, at the Portsmouth Gaseous Diffusion Plant—a plant that processes high-quality nuclear material—workers had little or no idea that they had been exposed to dangerous levels of radioactive material. As the Department of Energy's own independent investigation has shown, such exposure went on for decades.

The independent investigation at Portsmouth, also demonstrated that until recently, proper safety precautions at Piketon were rarely taken to adequately protect workers' safety. Even when precautions were taken, the use of protective standards was inconsistent and in some instances were deemed only "moderately effective." Even consistent, reliable and factual data is not available. Mr. President, then it will be quite difficult if not impossible to utilize sound science in order for employees to prove their claims.

Similar situations like those that have been documented at Piketon have been reported at other Ohio facilities including the Fernald Feed Materials Production Center in Fernald, Ohio and the Mound Facility in Miamisburg, Ohio, not to mention a host of other facilities nationwide. At this time, the Department of Energy is only acknowledging these situations at the Gaseous Diffusion Plant.

In addition to shoddy or non-existent record keeping, the DoE has admitted that at some facilities, workers were not told the nature of the substances they were handling. They weren't told about the ramifications that these materials may have on their future health and quality of life. It is truly unconscionable that DoE managers and other individuals in positions of responsibility could be so insensitive and uncaring.

Last year, the Toledo Blade published an award-winning series of articles outlining the plight of workers suffering from Chronic Beryllium Disease (CBD). While government standards were met in protecting the workers from exposure to beryllium dust, many workers still were diagnosed with CBD. Were the standards too low? Was the protective equipment faulty? Whatever the cause, it is estimated that 1,200 people across the nation have contracted CBD, and hundreds have died from it, making CBD the number-one illness directly caused by our cold war effort.

Mr. President, there may be some who think that this amendment costs too much, so we shouldn't do it. I strongly disagree. Congress appropriates billions of dollars annually on things that are not
the responsibility of the federal government—and I have voted against most of the bills that include this kind of funding. Here we have a clear instance where the actions of the federal government is responsible for the actions that it has not taken during the negligenct period in which it has shown against its own people. People’s health has been compromised and lives have been lost. In many instances, these workers didn’t even know that their health and safety were in jeopardy. It is not only a responsibility of the government to provide for these individuals, it is a moral obligation.

My belief that we have a moral obligation to these people was strengthened last October when I attended a public meeting of workers from the Portsmouth Gaseous Diffusion Plant. I learned an incredible amount about the integrity of the hard-working men and women and what they have been through.

Here are heart-wrenching stories from people like Mr. Jeff Walburn, another 23-year plant employee and former councilman and vice mayor of the city of Portsmouth, who testified that “I only know of one woman that works in my department that has not had a hysterectomy and other reproductive problems.” Mr. Walburn described a situation where she and two of her colleagues were exposed to an “outgassing” on a “routine” decontamination job.

After the exposure, the women started to experience health problems, including heavy bleeding, elevated white blood cell counts and kidney infections. Plant physicians told them that they should “just lie down and rest” if they had any problems while they were working. Three years after the exposure, all three women had had hysterectomies. The plant denied their workers’ compensation claims.

I also heard from people like Mr. Jeff Walburn, another 23-year plant employee and former councilman and vice mayor of the city of Portsmouth, who testified that while working in one of the buildings, he became so sick that his lungs “granulated.” When he went to the infirmary, they said he was “okay for work.” Later that day, he went to the hospital because in his words, “my face was peeling off.” According to Mr. Walburn, he couldn’t speak, his hair started falling out, his lungs started “coming out” and his bowels failed to function for more than 6 days. When he went to get his doctor to file his worker’s compensation claim, he was told that his diagnosis had been “changed, been altered.”

The Department of Energy has held similar public meetings at facilities across the nation—these stories are not unique to the Portsmouth Gaseous Diffusion Plant.

Mr. President, it is unfortunate that this amendment is necessary in the first place. It is unfortunate that it will provide little consolation for the pain, health problems and diminished quality of life that these individuals have suffered. These men and women won the cold war. Now, they simply ask that their government acknowledge that they were made ill in the course of doing their job and recognize that the government must take care of them.

Until recently, the only way many of these employees believed they would ever receive proper restitution for what the government has done to them is to file a lawsuit against the Department of Energy or its contractors. But, in the time that I have been involved in this issue, the Department of Energy has come a long way from its decades-long stance of stonewalling and denial of responsibility. Today, they admit that they have wronged our cold war heroes. Still, we must do more.

I believe that all those who have served our nation fighting the cold war have a right to know if the federal government was responsible for causing them illness or harm, and if so, to provide them compensation that they need and deserve. That is the purpose of our amendment, and I am pleased to join with my colleagues in support of its acceptance in this bill.

Mr. MURKOWSKI. Mr. President, I rise today in support of the amendment, and thank all the sponsors for their work in this area.

The purpose of this amendment, put simply, is to provide compensation to workers who have gotten sick as a result of exposure to hazardous materials in the course of their efforts to build and test nuclear weapons. We must do right by these workers. They were instrumental in winning the cold war. Their efforts deterred hostile attack and safeguarded our security.

I want to highlight a small group of those workers who toiled on a remote island in Alaska to test the largest underground nuclear weapons test our nation ever conducted.

Amchitka Island, a 1340 miles southwest of Anchorage. As I mentioned, it is the site of the largest underground nuclear test in U.S. history—the so-called “Cannikin” test of 1971. This 5 megaton test was preceded by two prior tests: “Long Shot,” an 80 kiloton test in 1965, and “Milrow,” a 1 megaton test in 1969.

According to an independent investigator, Dr. Rosalie Bertell, the ionizing radiation exposure above normal background levels experienced by Amchitka workers ranged from 10 up to 17,240 millirem/year. Workers exposures at Amchitka were primarily due to:

- Groundwater transport of tritium from the Longshot test;
- Radionuclides stored on site or used in the shaft, including scandium 46, cesium 137, and other radioactive diagnostic capped sources;
- Radioactive thermoelectric generator (RTG) use;
- Materials released from the Cannikin re-entry operations in 1972;

Unfortunately, it appears that The Atomic Energy Commission—the predecessor of today’s Department of Energy—did not provide for the proper protection of these workers. According to Dr. Bertell:

Although the workers were apparently told that their work was not ‘hazardous,’ they were actually classified as reactor workers and were exposed to levels of ionizing radiation from non-natural and/or non-normal sources, above the level which at that time was permitted yearly for the general public, namely 500 mrem/year... Doses received by the men during special assignments and during the post-Cannikin cleanup, exceeded the permissible quarterly dose of 5000 mrem and the maximum permissible yearly dose of 5000 mrem.

I would note that the allowable exposure standards for both workers and the general public are much lower today.

The actual amount of radiation the Amchitka workers were exposed to is difficult to quantify. Mr. President. This workers generally did not have the protection of radiation safety training or instruction in the proper usage of Thermoluminescent Dosimeters (TLDs). To make matters even worse, exposure records were not kept in many cases by the AEC. Some of the records that were kept by AEC were lost. While this was not unusual in the very early years of the nuclear age, radiation protection formalities were well established by the late 1960s and 1970s at the time of the Amchitka tests. Yet the proper procedures were not followed and the proper records were not kept.

Although these were some likely exposures, the records that could help these workers make a claim under existing authority do not exist through any fault of their own. That is the reason that Amchitka workers are included in the “Special Exposure Cohort” with the workers at the Gaseous Diffusion Plants in Portsmouth, Ohio; Paducah, Kentucky; and Oak Ridge, Tennessee. If a member of the special exposure cohort gets a specified disease listed in the amendment that is known to be associated with ionizing radiation, her or she is entitled to appropriate compensation.

I appreciate the work of Senator Thompson and others, and the consideration given us by the floor managers. Mr. President, I yield the floor.
I compliment the Senator from Nevada.

I ask the Senators to inform the managers of the amendments they intend to bring forward. I recognize that the text of the amendments in certain instances cannot be provided at this time. But we need as much information as possible. Hopefully, Members will provide that to the managers. At some point in time, I am going to urge leadership today to have a cutoff and that we at least have the name, the amendment, the number. We need to know about it, so that our leadership can have some estimate from the managers as to the time in which this bill could be concluded.

Mr. LEVIN. Mr. President, I know how hard Senator Reid is working to put together that list. We hope we will have such a list. Senator Reid can comment more directly on that. I thank him for the work he is doing so that we can try to expedite this process.

Mr. REID. In this instance to be Senator Levin's assistant to help move this legislation along. I say to the chairman of the committee, at noon, or thereabouts, we expect the staff will exchange amendments that have been presented in the various cloakrooms to the managers of the bill. They will work to determine what amendments they want to add or subtract, and, hopefully, at 1 o'clock we will have a finite list of both majority and minority amendments. We can work from that list. As a result of the work done by the two managers, that list is being narrowed significantly this morning.

Mr. WARNER. I thank my colleague. I assure you that on this side I have the support of my leadership, and we can begin to exchange the lists. I urge the leadership to come to the body and get unanimous consent to have some cutoff at some point today.

Mr. REID. I also say to the chairman, the two leaders have been meeting. They have had discussions about this legislation.

Mr. WARNER. Indeed they have. There has been strong support.

Mr. President, I see our distinguished colleague, a member of the Committee on Armed Services, about to address the Senate on a subject on which I have been privileged to work with him for some time. I must say that in the many years I have been on this committee I have never seen a more diligent nor a more committed effort than that by the Senator from New Hampshire. It has been a matter of personal pleasure to me to work with him and to go back into the history of the U.S. Navy about an event of great tragedy. I think what he is proposing today will be well received by the Senate and, indeed, hopefully by the naval community which have lauded us with this burden for these many, many years since the closing days of World War II.

I remember vividly at the time this particular ship was sunk, the Nation was absolutely shocked and just couldn't believe it. Indeed, a famous Virginian, Graham Clayton, who came along as Secretary of the Navy shortly after me, was the naval officer on board a ship that arrived first on the scene. Graham Clayton used to recount to me his personal recollections about this. I yield the floor.

Mr. LEVIN. Mr. President, this is the modification which was previously shared with the minority. We have no objection to the pending Smith amendment being modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3210), as modified, is as follows:

* * *

SEC. 2. PERSONNEL SECURITY POLICIES.

No officer or employee of the Department of Defense or any contractor thereof, and no member of the Armed Forces who has granted a security clearance in possession of any controlled substance (as defined in section 102 of the Controlled Substances Act); (2) is an unlawful user of or addicted to any controlled substance (as defined in section 202 of the Controlled Substances Act); (3) is currently, or has been, acurrent or former addict of any narcotic or any other drug or controlled substance; (4) has been discharged from the Armed Forces under dishonorable conditions.".

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Michigan for working hard to get this. I wish to clarify that he is not necessarily agreeing with all of it, but he has agreed to the modification allowing me to modify my amendment, which he did not have to do. I appreciate it very much.

Before getting into the detail of the tragedy of the U.S.S. Indianapolis, which happened so many years ago in 1945, I commend my colleague and the chairman of this committee, Senator John WARNER, a former Secretary of the Navy, when I first approached Senator Warner on this topic, he was somewhat skeptical, as I was frankly, when I first learned of it. But he took the time to listen to the details and the facts that came forth. He granted a hearing at my request on the U.S.S. Indianapolis matter. We heard from survivors and we heard from the Navy. We heard from all sides. As a result of that hearing and the information provided, Senator Warner worked with me to draft language in this bill to correct an egregious mistake.

Some have said that we are rewriting history in this debate. I am a history teacher. I don't believe you can rewrite
It is a part of the war.

I wish to share with my colleagues what happened and why we are doing what we are doing. I believe that a terrible war is part of the war.

These tragedies happened. It is terrible. It is part of the war.

Senator Warner mentioned an old colleague of his, a friend of his, who had been one of the officers to rescue the crew of the U.S.S. Indianapolis. It was only 4 months before that my own father, a naval aviator, was killed just prior to the end of the Second World War after having served in that war. This incident happened just days before the end of the war in which over 1,200 men went down and only 300 and some survived.

These tragedies happened. It is terrible. It is part of the war.

I believe that a terrible war is part of the war.

I wish to share with my colleagues what happened and why we are doing what we are doing. I believe that a terrible war is part of the war.
Senator JOHN WARNER came over to was true. That is why, to his credit, witnesses at our hearing conceded that intelligence, but McVay was not told. Navy routing the ship from Guam to the Philippines Sea. No capital ship without antisubmarine detection equipment, such as the Indianapolis, had ever made that transit unescorted throughout World War II. No ship had ever gone from Guam to Leyte during the war without an escort. McVay requested one. McVay was denied. No escort. He was told it was not necessary.

Navy witnesses at a hearing last September conceded that this was the case. The Navy conceded that no escort was provided, even though it was requested. Even worse, McVay was not told that shortly before his departure from Guam, an American destroyer escort—this is very important—had been sunk by a Japanese submarine within the range of his path. Navy witnesses in our September hearing on this bill conceded that this was the case. A request by McVay for a destroyer escort to go from Guam to Leyte. Request denied. Never happened before. They always had escorts.

Second, the U.S.S. Underhill had been sunk by a Japanese submarine in the same sea route. They never admitted this.

Third, U.S. intelligence furthermore broke the Japanese code and learned that the I-58, the Japanese submarine, the very submarine which sunk the Indianapolis, was operating in the path of the Indianapolis. We had U.S. intelligence that had broken the Japanese code and said the I-58 Japanese submarine was operating in the path of the Indianapolis. Many responsible for routing the ship from Guam to the Philippines were aware of the intelligence, but McVay was not told. Navy witnesses at our hearing conceded that was true. That is why, to his credit, Senator JOHN WARNER came over to this issue.

Mr. President, upfront I will say my duty is not to dump on the Navy. I am a former Navy man. My dad was a naval aviator. I love the Navy. But if a mistake is made, we ought to admit the mistake. When the Indianapolis was sunk, naval intelligence intercepted a message from the I-58 that it had sunk an American—they said battleship—along the route of the Indianapolis. That message was dismissed as enemy propaganda. Naval witnesses at our hearing conceded that was also the case.

So after the ship was sunk, they stayed in the sea for 4 to 5 days because they thought it was propaganda that the Japanese said they sunk a ship. It was a reasonable mistake, I suppose, but maybe they could have checked it out.

It should be remembered at this point that hostilities in July 1945 had moved far to the north of the Philippine Sea. We were preparing for the expected invasion of Japan over 1,000 miles away. The Japanese surface fleet was virtually nonexistent. Only four Japanese submarines were thought to be in Pacific region. It is fair to conclude from these facts that there was a relaxed state of alert on the part of naval authorities in the Marianas, and it is also fair to conclude, as a result that, Captain McVay and the men of the Indianapolis were sent into harm's way without a proper escort or the intelligence which could have saved the ship and the lives of the 880 members of its crew.

They were in a relaxed state. Captain McVay was basically given no reason to be alarmed about anything.

Following the sinking, the Navy maintained the ship had sunk so fast it had not time to send out an SOS. For many years, this was never contested. But following appearances on several national TV programs, Hunter Scott, this 13-year-old boy, had received word from three separate sources, each providing details of a distress signal of which they were aware which was received from the ship and which, in each case, no, the SOS did go out, but it was ignored.

At the September hearing, one of the survivors who had served as a radio man aboard the ship testified that a distress signal did, in fact, go out. He said he watched the needle “jump,” on one of the ship’s transmitters, signifying a successful transmission. Today, however, the Navy still holds to its position that a distress signal was never received and the truth will likely remain another incredible story, never to be resolved.

Following his rescue from the sea, Captain McVay was faced with a court of inquiry in Guam, which ultimately recommended a court-martial. Fleet Adm. Chester Nimitz and Vice Adm. Raymond Spruance, who was McVay’s immediate superior and for whom the Indianapolis served as flagship, both of these legendary naval heroes of war went on record as opposed to a court-martial. Ern mest King, then-Chief of Naval Operations, overruled both Spruance and Nimitz and ordered the court-martial.

To the best of my knowledge, this is the first time in the Navy’s history that the position taken by such high-ranking officers has been countermanded in a court-martial case.

The question has to be, Why does the Chief of Naval Operations overrule the two officers in command? Admiral Nimitz and Admiral King? Some of the ship’s respected officers in the entire war in the Navy, recommended no on the court-martial. He was overruled by the CNO, who was not even there. Why? Why?

I believe one of our witnesses at the September hearing, Dr. William Dudley, Chief Naval Historian, may have given us the answer. He testified that Admiral King was a strict disciplinarian who, “when mistakes were made, was inclined to single out somebody to blame.”

I am forced in this instance to use the word “scapegoat” because I believe that is exactly what Captain McVay became. Brought here to the Witness Underhill was a court-martial. Captain McVay was denied his choice of a defense counsel and assigned a naval officer who, although he had a law degree, had never tried a case before. Neither Captain McVay nor his counsel were notified of the specific charges against him until 4 days before the court-martial convened and the charges against him were specious at best.

The Navy settled on two charges against Captain McVay: No. 1, failing to give the order to abandon the ship, and No. 2, hazardous his ship by failing to zigzag. In other words, if you know there are enemy ships in the area, if you zigzag, it is harder for the enemy ship to get a reading on you and sink you.

He was ultimately found innocent on the first charge, failing to promptly abandon ship, when it became apparent—and it should have been long before the charge was brought—that the ship had already been hit by such a charge because he did give the order. The torpedo attack had immediately knocked out the ship’s intercom and officers aboard the ship were forced to give the abandon ship order by word of mouth to those around them. The ship was hit and it sunk in a matter of minutes. The entire intercom system was knocked out and you had to give the order to abandon ship one person at a time.

The second charge, fail-ure to zigzag, including the phrase “in good visibility,” became the basis for his conviction. In other words, failure to zigzag in good visibility became the basis for his conviction, one which effectively destroyed his career as a naval officer.

Let’s look at the validity of that charge. Captain McVay sailed from Guam with orders to zigzag at his discretion. Shortly before midnight on July 29, 1945, the visibility severely limited—you zigzag in clear weather—visibility severely limited, and with every reason to believe the waters through which he is sailing were safe, McVay exercised discretion with an order to cease zigzagging and retired to his cabin, leaving orders to the officer of the deck to wake him if the weather conditions changed.

Whether weather conditions changed is debatable. Some survivors say it did. Others say it didn’t. Seven of the surviving survivors were unanimous in depositions taken shortly after their rescue that it was very dark prior to and at the time of the attack; that the visibility was
Mr. SMITH of New Hampshire. Mr. President, in his letter, Hashimoto confirmed his conviction by stating that he could have sunk the Indianapolis whether it had zigzagged or not. Then he went on to say:

Our peoples have forgiven each other for that terrible war and its consequences. Perhaps it is time that your people (to) forgive Captain McVay for the humiliation of his unjust conviction.

That came from the man who sank McVay's ship. He was a dedicated, committed Japanese officer who, if you read Mr. Kurzman's book, was glad at the time he sank the ship and, in fact, was looking for a ship to sink.

Hashimoto attended that court-martial. In the English translation of a recent interview Hashimoto gave to a Japanese journalist, here are some excerpts about the court-martial of McVay:

I wonder (if) the outcome of that court-martial was set from the beginning...because at the time of the court-martial, I had a feeling it was contrived...

That came from Hashimoto. There are other comments Hashimoto makes, Mr. President.

There is one direct quote I want to give from his interview:

I understand English a little bit when then, so I could see at the time that I testified that the translator did not tell fully what I said. I mean it was not because of the capacity of the translator. I would say the Navy side did read some testimony that were inconvenient to them.

As I conclude, I repeat, I love the Navy. I served the Navy in Vietnam, and I would do it again. My father was a naval aviator and a graduate of the Naval Academy. He was killed at the end of the Second World War after serving in the Pacific and in the North Atlantic. I have no intention of embarrassing the Navy. That is not my purpose in sponsoring this legislation.

It is apparent that the old Navy made a mistake when they court-martialed Captain McVay to divert attention from the many mistakes which led to the sinking of the Indianapolis, mistakes beyond McVay's control and responsibility.

It is important to note that at least 350 ships were sunk by enemy action during World War II. No other captain was court-martialed. Only McVay. Tell me, after listening to this testimony, how hard and convincing was the evidence that he deserved to be court-martialed? The answer is no hard evidence that he deserved to be court-martialed.

Captain McVay was a graduate of the Naval Academy in 1920. He was a career naval officer who had a decorated combat record, which included participation in the landings in North Africa and an award of the Silver Star for courage under fire earned during the
Mr. WARNER. I did not know that order was entered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I say to my colleague from Virginia, if my colleague wants the floor right now, I ask unanimous consent that after the Senator from Virginia, I follow him.

Mr. WARNER. I am not hearing the Senator. The Senator is recognized, and that is open-ended: Is that the order of the Chair? Unusual. I do not know how it happened, but the Senator got it. What is the Senator advising me?

Mr. WELLSTONE. I am saying to my colleague, I am recognized. I intend to offer an amendment. I heard my colleague from Virginia seeking recognition, and if there are a few things he wants to say right now, I will yield for that. Otherwise, I yield forward.

Mr. WARNER. Will the Senator from Minnesota advise the Chair and the Senator from Virginia exactly how much time he wants and for what purpose? The time being consumed now cannot be recovered.

Mr. WELLSTONE. I do not intend to take a long time. I intend to lay out a case for an amendment. I cannot give a time. I cannot do it in 5 minutes. There is no time limit, but I do not intend to be long.

Mr. WARNER. I understand that. Of course, we have an order at 1 o'clock to go straight to an amendment. Mr. WELLSTONE. I intend to be finished before that.

Mr. WARNER. I am trying to finish other things from now until 1 o'clock. This is most unusual. I do not realize how we got to this. I am not sure how we got here, but it is here.

Mr. WELLSTONE. Mr. President, I say to my colleague, I am not finished.

Mr. REID. Would the Senator yield without losing his right to the floor?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. I want to explain to the Senator from Virginia, Senator Smith asked to be recognized for an additional 5 minutes. Senator Wellstone was standing here and said: I ask unanimous consent that I be recognized after Senator Smith. That is how it happened.

Mr. WARNER. What is done is done. You have it open-ended, I say to the Senator, until 1 o'clock. What can you do to help us?

Mr. WELLSTONE. I say to my colleague from Virginia two things. No. 1, there are two other Senators out here who want to speak briefly. I would be pleased for them to do so—but I do not want to yield the floor—after which I will have the floor.

I say to the Senator from Virginia, I do not think I will take a long time. I will help the manager and try to do it in—

Mr. WARNER. If you can give us a time, then we can help our colleagues. How about 10 minutes?

Mr. WELLSTONE. I say to the Senator from Virginia—

Mr. WARNER. Ten minutes?

Mr. WELLSTONE. I say to the Senator from Virginia, 10 minutes will not be sufficient. I will try to move forward expeditiously. All of us think our amendments are important. I did not come here to play politics for hours, but I need to take about 20 minutes to make my case. I do not want to be—

Mr. WARNER. If that is the case, it leaves very little time for the managers to recognize others who are waiting.

Mr. WELLSTONE. We all come and wait, and we all seek recognition.

Mr. WARNER. Fine. Would you settle for 20 minutes?

Mr. WELLSTONE. I will not because I do not know how long it will take.

Mr. WARNER. I yield the floor.

Mr. WELLSTONE. I will try to keep it in that timeframe.

Mr. BIDEN. Mr. President, will the Senator yield to me for a comment without he losing his right to the floor?

Mr. WELLSTONE. I am pleased to yield to the Senators from Delaware and Utah, without losing my right to the floor.

Mr. BIDEN. I say to the managers of the bill—if I can get Senator Warner's attention—as Senator Warner knows, the manager of the bill, the chairman of the committee, and Senator Levin knows, I have planned to offer the Violence Against Women Act as an amendment. In the meantime, the fellow with whom I have worked most on this legislation, and who has played the most major part on the Republican side of the aisle on the violence against women legislation has been Senator Hatch.

He and I have been working to try to work out a compromise. We think we have done that on the violence against women legislation, reauthorization of the Violence Against Women Act, 1994. We passed the Violence Against Women Act in 1994. He and I have been working to try to work out a compromise. We think we have done that on the violence against women legislation, reauthorization of the Violence Against Women Act.

The PRESIDING OFFICER. The Senator from Utah.

Mr. Hatch. I join Senator Biden this afternoon. We passed the original Violence Against Women Act in 1994. He deserves a great deal of credit for that. I would like to move forward with the passage of the violence against women reauthorization this afternoon.

For almost 10 years, we have stood with my colleague from Delaware, Senator Biden, on this particular issue. And I have worked for almost a year...
now to try to resolve any disagreements regarding specific provisions in our respective bills on this issue, S. 245 and S. 51.

What we want to do is combat violence against women. I believe we have a good product. It is the Biden-Hatch Violence Against Women Act of the year 2000.

I have committed to Senator Biden that we plan to move this legislation in the Judiciary Committee. I plan to have it on the committee markup for next week. I hope any member of the committee can put it over for a week. I hope they will not. Before the Fourth of July recess, I hope we can pass the bill out of the Judiciary Committee. Hopefully, the leadership will allow us some time on the floor to debate it. It is a very important piece of legislation.

Millions and millions of women, men, and children in this country will benefit by the passage of this bill. I am going to do everything in my power to help Senator Biden in getting it passed.

Mr. BIDEN. I ask unanimous consent to proceed for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELSTONE. Mr. President, first of all, I wish to talk about what this amendment is about. Then I want to also make a couple of other comments. I will try to stay within a reasonable time limit.

There have not been very many vehicles out here on the floor—if I say that back in Minnesota, people look for cars or trucks, but what I am saying is that we have not had a lot of opportunity to bring amendments out here that we think are important as they affect the lives of people we represent.

This amendment has been passed by the Senate, but every time it gets passed by the Senate, it gets taken out in conference committee. This will be the third or fourth time. I think on the last vote there were over 80 Senators who voted for it.

The amendment calls for a policy evaluation, in which I think all of us should be interested. We should care enough to want to know about the welfare bill because this is going to be coming to us with reauthorization. In every single State in the country we are going to reach a drop-dead date certain where people are basically going to be off welfare. What this amendment calls for, and I will describe it more carefully in a moment, is for Health and Human Services to basically call on the States to aggregate the data and to get the data to us as to where these mothers and children are now.

If States have been hearing about how the rolls have been cut by 50 percent and that, therefore, represents success, but we do not know whether or not the poverty has been cut and we need to know where these mothers are. We want to know what kind of jobs they have and at what kind of wages. We need to know whether or not the families still have health care assistance. There have been some disturbing reports that have come out within the last several weeks that in too many States even though AFDC families—that is, aid to families with dependent children families—by law should be receiving the Medicaid coverage even when they are now working and off welfare, they are not getting that coverage.

We need to know why there has been such a dramatic decline in food stamp participation, which is the most important nutritional safety net program for millions of poor people. There has been a huge increase somewhere around a 20-percent cut in participation, and there has been nowhere near that kind of reduction in poverty. We need to understand what is happening.

Most importantly, I would argue, although one can never minimize the importance of whether or not these mothers are able to obtain even living-wage jobs, it is the whole child care situation. I recommend to colleagues a study that has recently been concluded by Yale and Berkeley which is devastating to me as a Senator. Basically, it is a study of what has happened to welfare children during this period of reform.

There have been 1 million more children who have now been pushed into child care. But the problem is that the child care is woefully inadequate and the vast majority of these children are watching TV all day, without any real supervision, without any real education, and therefore not surprisingly, colleagues, they are even further behind by kindergarten age.

What this amendment would do would be to require the Secretary of Health and Human Services to report to the Congress on the extent and severity of child poverty. In particular, what we are interested in is what is happening with the TANF legislation.

Let me sort of summarize. The amendment would require the Secretary of Health and Human Services to submit to Congress by June 1, 2001, or prior to any reauthorization of the Personal Responsibility and Work Opportunity Reconciliation Act—we ought to have this evaluation before we reauthorize the welfare bill—what we are interested in is the extent of child poverty in this country.

The report must include, A, whether the rate of child poverty has increased under welfare reform; B, whether children living in poverty have gotten poorer under welfare reform—that deals not with the extent of child poverty but the severity of child poverty—and C, how changes in the availability of cash and noncash benefits to poor families have affected child poverty under welfare reform.

In considering the extent and severity of child poverty, the Secretary must also use and report on alternative methods for defining child poverty that appropriately recognize families' access to in-kind benefits as their work-related expenses as well as multiple measures of child poverty such as the extreme child poverty rate.

Finally, if the report does find that the extent or severity of child poverty has increased in any way since enactment of the welfare reform legislation, the amendment requires the Secretary to submit with the report a legislative proposal addressing the factors that have led to the increase.

Let me be clear as to what this amendment is about, why I introduce it to this bill, and why I hope for a strong vote.

First of all, what is it about? It is about poor children. Why have I focused on poor children? Because I think that should be part of our agenda. What is my concern? There has been a tremendous amount of gloating and a lot of boasting about how successful this welfare reform has been. I have traveled in the country and spent quite a bit of time with low-income families and with men and women who don't get paid much money but try to work with these families. That is not the report I get at the grassroots level.

What reports have come out—I don't even go through all of the reports today—should give all of us pause. Basically, what we are hearing is that there has perhaps been some reduction in overall poverty, and an increase in the poverty of the poorest families; that is to say, families with half the poverty level income.

What I also found out from looking at some of the data, much less some of the travel, is that there are some real concerns; namely, in all too many cases when these mothers now leave and go from welfare to work, which is what this was supposed to be about, the jobs are barely above minimum wage. When they move from welfare to work, all too often they are cut off medical assistance. Families USA says there are 670,000 fewer people receiving Medicaid coverage and health care coverage because of the welfare bill.

When they move from welfare to work, they go from welfare poor to working poor, but they are not being told that they still have their right to participate in the Food Stamp Program for themselves and their children and, therefore, are not participating in the Food Stamp Program. When they move from welfare to work, since they were single parents at home, the child care situation is deplorable. It is dangerous.
When people keep talking about how great this bill is, and we haven't even done the policy evaluation, and it is coming up for reauthorization, I argue that it is a security issue for poor families in the United States of America.

Again, what this legislation calls for is a study of child poverty, both to look at the extent of it and the severity of child poverty, to make sure we get the data, to make sure we have the policy evaluation before reauthorization. There should be support for this because we should be interested in policy evaluation.

Again, pretty soon we are basically going to have almost everyone pushed off welfare. Before that happens, before a mother with a severely disabled child is pushed off welfare or before a mother who has been severely beaten and battered is pushed off welfare or before a mother who has struggled with substance abuse is pushed off welfare, and they are unable to take these jobs—they may not find the kind of employment with which they can support their families—we had better know.

I have quoted Gunnar Myrdal, the famous Swedish sociologist who once said that ignorance is never random; sometimes we don't know what we want to know.

This is the fourth time I have brought this amendment to the floor. The first time, it was defeated by one vote, although it was a different formulation. The second time, it was accepted on a voice vote. That was my mistake. Before that happened, before the conference. The third time, it passed by a huge vote on a bill that then went nowhere. This is the fourth time. The reason I keep coming back is, I determined that we do this policy evaluation.

Let me give one other example of why I will send this amendment to the desk in a moment. In focusing on this welfare bill, I know I was a conference committee I attended. This was all about an amendment which, again, the Senate passed, but it was taken out in conference committee, where I was arguing that right now it is wrong not to enable a mother to at least have 2 years of college; that she and the State in which she lives should not be penalized on work participation, and that if the State of Minnesota or California or Michigan or Virginia decided it makes sense that they have 4 years of higher education, that they and their children will be better off; they should not be penalized.

I went to the conference committee; it was dropped in conference committee; what I thought were conference committee members of the conference committee were saying: Wait a minute, this welfare bill is hallmark legislation. It is one of the greatest pieces of legislation passed in the last half a century. President Clinton needs to make the same kind of claim.

We can agree; we can disagree. The point is, there ought to be a policy evaluation. There is a lot at stake. What is at stake is literally the health and well-being of poor women and poor children. We ought to at least have this data. We ought to at least make this policy evaluation. We ought to do it before we reauthorize this bill. That is why I introduce this amendment, and that is why I will send this amendment to the floor.

Before I do, I also want to signal to colleagues that there is a report—I think we will have a debate; I don't know whether it will be today or whether it will be tomorrow or when—on missile defense.

Mr. WARNER. Will the Senator yield for a minute? We want to try to accommodate him. It may well be we can accept the amendment. He has not shown me a copy of it.

Mr. WELLS. I am getting ready to send the amendment to the desk.

Mr. WARNER. We only have 21 minutes. The Senator has said he would like to accommodate on a matter unrelated to the bill. Is there any harm in looking at it?

Mr. WELLS. Mr. President, I just received the amendment. I will be ready to send the amendment to the desk. I will say, my colleagues have a copy.

Mr. WARNER. I have a copy? Mr. WELLS. The Senator does. I will also say to my colleague, I am actually trying to finish up in the next 4 or 5 minutes. It is just sort of a bad habit I have. When I keep getting pressed in the opposite direction, I tend to speak longer. I am not trying to take up time, I am just trying to argue my case, I say to the Senator.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Minnesota [Mr. WELLS] proposes an amendment numbered 3264.

Mr. WELLS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. President, I send the amendment to the floor.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Minnesota [Mr. WELLS] proposes an amendment numbered 3264.

Mr. WELLS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. 9. REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) IN GENERAL.—Not later than June 1, 2001, and prior to the submission of the annual report on the extent or severity of child poverty in the United States, the Secretary determines that during the period

(b) LEGISLATIVE PROPOSAL.—If the Secretary determines that during the period

(c) how changes in the availability of and non-cash benefits to poor families have affected child poverty in the United States;

(d) a legislative proposal address-

(e) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(f) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(g) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(h) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(i) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(j) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(k) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(l) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(m) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(n) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(o) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(p) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(q) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(r) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(s) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(t) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(u) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(v) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(w) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(x) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(y) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

(z) changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States; and

{1} P.L. 104-193, 110 Stat. 2105.

{2} The title of it is "Countermeasures Against Countermeasures to Determine the Operational Effectiveness of the Planned U.S. National Missile Defense System."

{3} These distinguished scientists argue that existing testing programs have failed to demonstrate that the baseline threat has realistically declined by having the Pentagon's work in that area reviewed by an independent panel of qualified experts; provide for objective assessment of the defense and results of the program by an independent standing review; conduct tests against the most effective countermeasures. It is an excellent analysis of the whole problem of countermeasures—that an emerging missile state could reasonably expect to build and to conduct enough tests against countermeasures to determine the effectiveness of the system with high confidence.

We will have an amendment that I plan to submit. I hope Senator Durbin and other Senators, where we will have a very thoughtful debate about the whole question of the importance of having the testing, I just wanted to speak about this briefly.

I yield the floor.

Mr. WARNER. Mr. President, it is my understanding that the Senator from Minnesota will accept a voice vote. He wanted to address the Senate on that point. We will proceed to adopt the amendment.

Mr. LEVIN. Mr. President, perhaps Senator WELLS will yield to me for 1 minute after he is recognized.
Mr. WELLSTONE. I yield to the Senator from Michigan.

Mr. LEVIN. Does Senator WELLSTONE have the floor?

Mr. WARNER. I have the floor.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia and the Senator from Michigan for their support. We have had a resounding vote for this amendment before. I want to just keep this before the Senate. Somehow I want to get this policy evaluation in the hands of the public, the trafficking of illegal drugs; support of acts of international terrorism; any role the Cuban government may play in the United States; and an assessment of the steps that the United States has taken in response to events in Cuba.

The Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment is as follows:

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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There are certain ways we can bring to bear the influence of the money of America to try to help a change of the government, and to try to help the people to change their leadership.

While we may have put in these series of legislation over the years with the best of intentions, the simple fact is, there today Fidel Castro reigns, bringing down in a harsh manner on the brow of the people of Cuba deprivations for many basic human rights, deprivation from even the basic fundamentals of democratic principles of government.

One only needs to go to that country to see the low quality of life that the people of Cuba have to face every day they get up, whether it is food, whether it is medicine, whether it is job opportunity, or whether there is any certainty with regard to their future. It is very disgusting and depressing.

Referring back to the Gonzalez case again, the only point I wish to make is that this is what the eyes of many in this country to the need for the policies of the United States of America in relation to Cuba to be reexamined.

It is my hope and expectation that the next President will take certain initiatives that bring relations somehow into a relationship where we can be of help to the people of Cuba.

All I wish is to help the people of Cuba. We have tried with food and medicine unsuccessfully, although through various pieces of legislation on there is in some ways food and medicine going to those people.

I remember a doctor. Former Senator Malcolm Wallop brought an American doctor to my office with considerable expertise in medicine. He said to me that the medical equipment available to his colleagues in the performance of medicine in Cuba was of a vintage of 30 years old—lacking spare parts, almost nothing in the state-of-art medical equipment.

What a tragedy to be inflicted upon human beings right here so close to America in Central America.

In this amendment, Senator Dodd and I simply address the need for a commission to be put in place which would hopefully take an objective view of what we have done as a nation in the past with relation to Cuba and what we might do in the future. That commission would then report back to the next President of the United States and the Congress of the United States in the hopes that we can make some fundamental changes in our policy relationship with Cuba which would help—I repeat help—raise the deplorable quality of life for the people of Cuba.

I anticipate the appearance momentarily of my colleague from Connecticut. We weren't able to judge the exact time when he would arrive.

Mr. President, I recommend Senators WARNER and DODD for their work on a bipartisan basis to establish a bipartisan commission on Cuba. It is important that we conduct a review of the achievements or lack thereof of the embargo. The amendment does not presume the outcome in any way of the commission's effort. It is not intended nor should it be interpreted for a substitute for any other legislative action that Congress might take.

It is constructive. It is bipartisan. It is modest. I think it is, frankly, long overdue. I hope we can adopt this amendment.

Mr. WARNER. Mr. President, I thank my colleague. Would he be kind enough to be a cosponsor of the amendment?

Mr. LEVIN. I would be happy to be a cosponsor. I ask unanimous consent I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, Senator Dodd and I wrote President Clinton in 1998—we had 22 Senators join us in that letter—recommending that he establish the very commission that is outlined in this legislation, but for reasons which are best known to him, he decided not to do it.

Senator Dodd and I recommend this action because there has not been a comprehensive review of U.S.-Cuba policy since the inception of its effectiveness or ineffectiveness in achieving the goals of democracy and human rights that the people of the United States wanted and which the people of Cuba deserve. We ask a review in 40 years, since President Eisenhower first canceled the sugar quota july 6, 1960, and we imposed the first total embargo on Cuba on February 7, 1962.

Most recently, Congress passed the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996. Since the passage of both of these bills, there have been significant changes in the world's situation that warrant, in our judgment, a review of our U.S.-Cuba policy, including the terms of billions of dollars of annual Soviet economic assistance to Cuba and the historic visit of Pope John Paul II to Cuba in 1995.

In addition, in recent years numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders.

These authoritative groups have analyzed the state of the economy and the capabilities on the island and have presented their findings in areas of health, economy, religious view, freedom, human rights, and military capacity. Also, in May of 1998, the Pentagon completed a study on the security risk of Cuba to the United States. However, the findings and reports of these delegations, including the study by the Pentagon and the call by Pope John Paul II for a review by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policymakers.

We believe it is in the best interests of the United States, our allies, the Cuban people, and indeed the nations in the Central American hemisphere with whom we deal in every respect.

We have a measure that hopefully will come through very shortly regarding a very significant amount of money to help Colombians in fighting the drug war.

We are constantly working with the Central American countries, except there sits Cuba in isolation.

We, therefore, believe that a national bipartisan commission on Cuba should be created to conduct a thoughtful, rational, objective—let me underline objective—analysis of our current U.S. policy toward Cuba and its overall effect in this hemisphere—not only on Cuba but how that policy is interpreted and considered by the other Central American countries.

This analysis would in turn help shape and strengthen our future relations with Cuba. Members of the commission would be selected from a bipartisan list of distinguished Americans from the private sector who are experienced in the field of international relations. These individuals should include representatives from a cross-section of U.S. interests, including public health, military, religious, human rights, business, and the Cuban American community.

The commission's tasks would include the delineation of the policies—specifically achievements and the evaluation of:

No. 1, security risks, if any, Cuba poses to the United States, and an assessment of any role the Cuban Government may play in the international terrorism, or illegal drugs;

No. 2, the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba;

No. 3, the domestic and international impact of the nearly 39-year-old U.S.-Cuba economic trade and travel embargo; U.S. international relations with our Latin American allies, the political strength of Cuba's leader; the condition of human rights; religious freedom; freedom of the press in Cuba; the health and welfare of the Cuban people; the Cuban economy and policy; and business, and how our relations with Cuba can be affected if we changed that.

More and more Americans from all sectors of our Nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on U.S. interests and the Cuban people.

Establishment of this national bipartisan commission will demonstrate leadership and responsibility on behalf of this Nation towards Cuba and the other nations of that hemisphere. I urge my colleagues to join Senator Dodd and myself.

I ask the amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Will the Presiding Officer state the exact parliamentary situation?

The PRESIDING OFFICER. There are 2 hours equally divided on amendment No. 324.
Mr. WARNER. Do I understand that 1 hour of that is under the control of the Senator from Virginia.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I do not see Senator McCain here. I think perhaps he should lead off. Does Senator Feingold wish to lead off? Senator Feingold is a principal cosponsor, as I understand.

Mr. FEINGOLD. Correct.

Mr. President, I ask unanimous consent following the remarks of Senator Feingold the distinguished President pro tempore of the Senate be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the chairman of the committee.

Mr. President, I begin our side of the debate.

I am in favor of the McCain-Feingold-Lieberman amendment. I hope we will have an overwhelming vote later this afternoon in favor of full disclosure of the contributions and expenditures of 527 organizations. As we discussed yesterday on the floor, these organizations are the new stealth player in our electoral system. They claim a tax exemption under section 527 of the Internal Revenue Code, a provision that was intended to cover political committees such as party organizations, political action committees, and candidate committees. At the same time, they refuse to register with the Federal Election Commission and report their activities like other political committees because they claim they are not engaged so-called express advocacy.

In other words, these groups admit they exist for the purpose of influencing elections for purposes of the tax laws, but deny they are political committees for purposes of the election laws. That, my colleagues, is the very definition of evading the law. If it is legal to evade, I have called it, the "mother of all loopholes."

I make one point crystal clear because our debates on campaign finance reform often get bogged down in arguments over whether someone is engaged in electioneering or simply discussing issues. These groups cannot claim that their purpose is simply to raise issues or promote their views on issues to the public. Why is that? They can't make that claim because to qualify for the Section 527 tax exemption, they have to meet the definition of a political organization in the tax code. And that definition is as follows:

The term "political organization" means a party, committee, association, fund, or other organization primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

And the term exempt function means:

The function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors.

These groups self-identify as groups whose primary purpose is to accept contributions or make expenditures to influence elections. How do they do that? They define election-related groups. They refuse to register with the FEC, and they therefore can take any amount of money from anyone—from a wealthy patriotic American, or a multi-national corporation, or a foreign dictator, or a mobster.

Indeed the groups seem to revel in the fact that their activities are completely secret. This chart we will be presenting in a moment shows a public statement by a 527 organization called "Shape the Debate." This organization, according to news reports, is connected with our former colleague and the former Governor of California, Pete Wilson. On its webpage, Shape the Debate lists over $2 million in ads attacking Senator McCain in the New York primary election earlier this year. And a report in Roll Call a few weeks ago indicates that a group called Council for Responsible Government has formed a 527 and will raise over $2 million and target 25 races this fall.

Mr. President, I ask unanimous consent that newspaper articles about 527 organizations be included in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. Mr. President, I do want to emphasize that there is no constitutional problem with this bill. First, there is no constitutional right to a tax exemption, the Supreme Court has made that abundantly clear. This amendment simply requires disclosure as a condition of receiving a tax exemption. If a group doesn't want to make these disclosures, it can simply pay taxes on its income like any other business in the United States. Second, we don't have a problem of vagueness or line drawing here that might implicate first amendment rights. The disclosure requirements are not triggered by any particular action or communication that a group might make. It is triggered by its decision to claim a tax exemption under section 527. Thus, as I said before, these groups self-identify. They make the decision whether they are 527 and if they do, they have to disclosure.

There is a simple principle at stake here. It is a question of disclosure versus secrecy. I say to all my colleagues who have argued here on the floor that we do not need reform, we do need a soft money ban, that all we need is disclosure. Now is the time to put your money where your mouth is. If you vote against this amendment—if you vote against this amendment for disclosure, you will never again be able to argue with any credibility that you have been a full disclosure supporter. That has come to put an end to secret money funding secret organizations. As I said yesterday, the combination of money, politics, and secrecy is a dangerous infection to a scandal. Without these organizations, we have not have the faces of the election cycle, in my view, already is a scandal. Let's agree to this amendment and put a stop to it.
Citizens for Better Medicare, a group created last summer under Section 527 by major drug makers and allied organizations, expects to spend as much as $30 million this year on television advertisements that insurance companies think will impose government price controls on medicines, the group’s officers say.

Representative Tom Delay of Texas and J.C. Watts of Oklahoma, both Republicans, have established Section 527 funds to burnish their parties’ image and promote conservative ideas on taxation, the military and education. Former Representative Pat Saiki of Hawaii has created Citizens for the Republic as an “other safe haven for anonymous big donors.”

Scott Reed, who managed Bob Dole’s presidential campaign in 1996, is helping a Section 527 group to attract Hispanic voters to the Republican Party. New Gingrich is affiliated with a Section 527 organization advocating Social Security reform and tax cuts.

Recently, attention has focused on the Section 527 operations of conservatives. But the Sierra Club was one of the first nonprofit organizations to set up a Section 527 subsidiary, in 1996, and the League of Conservation Voters, which is generally partial to Democrats, followed a year later.

"One way to use its loophole," said Carl Pope, executive director of the Sierra Club. He said a handful of wealthy, anonymous donors had given about $4.5 million to the Sierra Club’s election committee to use during this year’s elections.

Mr. Pope said that his organization would support legislation to eliminate the loophole. But it has not yet been exploited by nonprofit political organizations trying to avoid the donor disclosure rules and contribution limits of Federal Election laws.

Republicans for Clean Air, the group that broadcast advertisements critical of Senator Al Gore a hypocrite and ridicule his positions on campaign finance reform and to-increase government controls on medicines, the group’s officers say.

As long as a Section 527 group does not expressly advocate the election or defeat of individual candidates—by using the words “vote for” or “vote against”—there is no requirement to report to the Federal Election Commission. These groups are free to engage in “issue advocacy,” which to most voters has become virtually indistinguishable from pro-candidate electioneering.

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The new Section 527 organization has begun hiring workers for the 2000 campaign as it concludes with the line, “Al Gore has a lot to answer for.” Advocates of campaign finance reform see the Section 527 loophole as the vehicle for getting and spending tens of millions of undisclosed dollars.

Representative Lloyd Doggett, a Texas Democrat, is preparing legislation to regulate the use of Section 527 organizations. "Section 527 organizations are a campaign vehicle now ready for mass production," Frances R. Hill, a professor of law at the University of Miami, wrote in a recent issue of Tax Notes, a publication for taxation specialists. The 1996 election was marked by concerns and scandals over the unregulated contributions known as soft money, she noted. "The 2000 federal election may be equally important in campaign finance history for the flowering of the new Section 527 organizations," she said.

Mr. Doggett’s disclosure of the offices and finances of Section 527 organizations has been part of his campaign finance proposal released this week. He called such organizations an issue of Tax Notes, a publication for taxation specialists. The 1996 election was marked by concerns and scandals over the unregulated contributions known as soft money, she noted.

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June 8, 2000

CONGRESSIONAL RECORD—SENATE

S4771

[From the Arizona Republic, May 11, 2000]

CONTRIBUTOR “LOOPHOLE” SKIRTS CAMPAIGN LAWS

(By J on Kamman)

In the frenzy of fund-raising leading to next fall’s elections, an old form of political contribution has found the perfect vehicle for concealing who is giving and how much.

Various localities labeled “the mother of all loopholes” and “black hole groups,” the so-called section 527 committees are “the brashest, boldest” method seen to date for circumventing campaign-finance laws, Common Cause President Scott N. Nelsen has termed the manifestation of corruption in Washington,”

The Section 527 committees take their name from the section of federal tax code under which they are organized, Section 527 dates from the early 1970s, when Congress wanted to make clear that political parties, political-action committees and the like needn’t pay taxes on contributions they received.

Recent court and Internal Revenue Service interpretations of the law ensures that non-profit organizations free rein to engage in political advocacy while maintaining the privacy they otherwise are denied under federal law.

Activists of every hue on the political spectrum, from the Sierra Club to the Republican Issues Majority Committee set up shop, Tom Daschle, R-Dak., has hopped on the 527 bandwagon.

Among 527 committees that have revealed themselves are one set up by Ben Cohen, co-founder of Ben & Jerry’s Ice Cream, to focus on education issues, and another supported by the pharmaceutical industry to protect against limits on prescription prices.

The stealth-funding groups have no obligation to reveal, to the Federal Election Commission or IRS, membership, contributors or expenditures. Even foreigners, otherwise prohibited from making political donations, may set up a secret 527 committee.

About the only restriction on a 527 group is that it stop short of using explicit terms such as “vote for” or “vote against” in backing a candidate.

Immunity from disclosure won’t continue for long, advocates of campaign-finance reform say.

A bipartisan coalition of Congress members, led by Common Cause’s president, Scott N. Nelsen, has forced the federal government to act.

The committee is replicating at a pace that is impossible to track because of their secrecy.

But the ones that have chosen to identify themselves are set to pour tens of millions of dollars—possibly more than $500 million—into political advertising this year.

That, combined with more traditional forms of “soft money” controlled by political parties, is sure to produce a record volume of so-called issue ads, said Sean Aday of the University of Pennsylvania/General Accounting Office.

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ads paid for by “Texans for Clean Air” were aired just before the Super Tuesday primaries in March. The ads assailed McCain’s environmental record and extolled that of his opponent, Texas Gov. George W. Bush. Although nothing required them to do so, oil-rich brothers Sam and Charles Wyly revealed themselves as the backers of the ads. 

[From The Hill, May 17, 2000] 

NEW VA-BASED “527” WILL TARGET 25 RACES; STS IN IOWA, D.C. (By John Kruger) 

The Council for Responsible Government joined the ranks of new “527” organizations two weeks ago when it incorporated in Virginia and immediately began running radio and television ads in Idaho against Republican candidate Butch Otter, accusing him of being soft on pornography. It also commenced a direct-mail campaign in New Jersey. 

The group, based in Burke, Virginia, intends to use $2- to 2.5-million and target 25 races around the country this year, according to William Wilson, the group’s registered agent. “We want to promote free market ideas and traditional moral and cultural issues,” Wilson said. “We want true accountability to voters,” which Wilson defined as making sure the public know what a politician’s true record is. “They speak to different sides of an issue with different audiences,” he explained. “That’s developed a lot of cynicism among voters.” 

Wilson said the group does not engage in issue advocacy or endorse candidates. “We engage in voter education,” Wilson said. Section 527 of the tax code permits political committees to raise and spend unlimited funds without having to disclose their contributors, provided that those funds are not used to expressly advocate the election or defeat of a candidate. Organizations formed under Section 527 have come under fire from campaign finance groups and members of Congress for eliminating the line between issue advocacy and candidate support. 

One such group, the Republican Majority Issues Committee, a group close to House Majority Whip Tom DeLay (R-Texas), was sued last month by the Democratic Congressional Campaign Committee (DCCC). 

Wilson said registered in Virginia because “there are some of the finest federal judges in the country, “alluding to their strong record on First Amendment issues. “Any time a group does something the “powers that be” don’t like, they are likely to be attacked in court. “I think it’s wise to be afraid of the government,” he said. 

Wilson said the group would not disclose its donors. “We have a lot of donors, but we want to keep that to ourselves,” Wilson said. “We want them to be able to give without the fear of retaliation.” 

The group has also started a direct-mail campaign warning New Jersey voters that Republican candidate Joel Weingarten had cast votes in favor of tax increases. Weingarten’s campaign has sued the group charging that the council is using soft money and coordinating its mailings with Jastrow Associates, a Princeton, N.J.-based media firm hired by Weingarten’s rival Mike Ferguson. 

Larry Weitzner, president of Jastrow Associates, said any connection with the council, dismissing Weingarten’s claims as “coming from a campaign that is “desperate” and “behind in the pools.” 

Gary T. Wilson, director of the Accountability Project, an arm of the council, also denied any coordination.

“I have no knowledge of the firm whatsoever,” Glenn wrote in a statement. Glenn is also president of the American Family Association of Michigan, a Midland-based conservative organization. He said the project is not a separate organization, merely a “marketing phrase.” 

Wilson said the council will also target primary races in August and September, as well as several general election races. 

Wilson, who is listed on FEC records as being the political director for U.S. Term Limits, said the council has no ties with any other group. “It’s a volunteer organization. We have no connection with any organizations,” Wilson said. “To the extent we’re permitted, we share ideas, sure.” 

Wilson said there is no paid staff, just a group of 40 to 45 volunteers around the country. He said the group does not intend to hold any fundraising events, but would rely on one-on-one meetings “with like-minded people.” 

Tom Kean Jr., who is running against Weingarten and Ferguson in New Jersey’s 7th Congressional District, decried the mailing. “We, as voters, deserve the right to know who is defining the candidates seeking this office as well as any office in this nation,” Kean said in a press release. “Unfortunately, I fear this is only the first of many such expenditures in this race.” 

Mr. WARNER. Will my colleague yield? 

Mr. FEINGOLD. I am happy to yield. Mr. WARNER. Mr. President, a number of colleagues are present on the floor seeking recognition. May we alternate? 

Mr. FEINGOLD. Mr. President, I simply wish to say to the chairman, I will be happy to do that. I ask in this instance that Senator SCHUMER go next because the understanding last night was that he start the process, and then after that alternate. 

Mr. WARNER. The Senator from Virginia inquires as to the amount of time the Senator from New York wants. 

Mr. SCHUMER. Mr. President, I inform the Senator I will take approximately 10 minutes. Will the Senator from Virginia yield? 

Mr. WARNER. Mr. President, I recognize there is a unanimous consent agreement in effect, but I am trying as best I can to work this in a fair and equitable manner. 

It is important, in your judgment, that Senator SCHUMER follow you for a period of 10 minutes? 

Mr. FEINGOLD. It is not, in my view, essential. 

Mr. SCHUMER. If somebody else has a pressing need and will speak for less than a half hour or so, I will be happy to yield. 

Mr. WARNER. I did put in a request, of which I thought he was aware, that the President pro tempore will follow. 

Mr. SCHUMER. I am happy to yield and thank the Senator from Wisconsin. 

Mr. WARNER. We will proceed under the unanimous consent agreement, after the Senator from South Carolina. 

Mr. SCHUMER. I am happy to yield and thank the Senator from Wisconsin. 

Mr. THURMOND. Mr. President, I rise this afternoon not to speak about the specifics of the National Defense Authorization Bill, but to speak to the importance of the Senate passing a defense authorization bill. I am very concerned that this bill will be so burdened with non-germane amendments that our House colleagues may challenge the Constitution—the so-called Blue Slip. If the Senate persists with these type of non-germane amendments there is the strong possibility that for the first time in my 41 years on the Armed Services Committee there will not be a National Defense Authorization Bill. 

Mr. President, if there is no authorization bill we will deny the following critical quality of life and readiness programs to our military personnel, both active and retired, and their families: 

No 3.7 percent pay raise; 
No Thrift Savings Plan; 
No concurrent receipt of military retirement and disability pay; 
No comprehensive lifetime health care benefits; and 
No military construction and family housing projects. 

Mr. President, it is ironic that two days ago, members were commemorating D-Day and the sacrifices of the thousands of men who charged across the beaches of Normandy. Now only two days later, the Senate is jeopardizing the bill that would ensure that a new generation of soldiers, sailors, air men and Marines have the same support as those heroes of World War II and the Korean War whose 50th anniversary we will be celebrating. I urge my colleagues to carefully consider the impact of their votes on this strong bipartisan defense authorization bill. We must not jeopardize our 40 year record of providing for the men and women who proudly wear the uniforms of the Nation and make unsaid sacrifices on a daily basis to ensure the security of our great Nation. I yield the floor.

AMENDMENT NO. 324 

THE PRESIDING OFFICER. The Senator from Wisconsin yields. 

Mr. FEINGOLD. Mr. President, I yield to the Senator from New York. 

THE PRESIDING OFFICER. The Senator from Wisconsin yields. How much time does the Senator from Wisconsin yield? 

Mr. FEINGOLD. Ten minutes. 

THE PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Wisconsin for yielding this time and for the leadership on this issue. I also praise my friend from Arizona who has, through out, been courageous on this issue as on many others, as well as the Senator from Connecticut, whose proposal it is and who has stood as a beacon, in terms of reform. 

If you wanted to design a corrupting statute that would blow over our body politic, you would look to the tools and the one that is like 527. Although it was inadvertently drafted, and was never intended for this purpose, its effects eat at the very core of our Republic.
Imagine if someone came to you and said: Let's make political contributions tax deductible, unlimited, and secret. Most people, if they were given that case de novo, would say: What? We could not do that. That would be the most pernicious loophole of the kinds of things we would stand for in this democracy that one could imagine.

Yet that is where we stand today. If this statute is not changed, anyone can give unlimited amounts of money and get tax deductions for it. Organized crime could contribute to a candidate—not to a candidate, but organized crime could contribute to one of these funds, put ads on the air, and dramatically influence elections. Drug dealers, criminals, could set up funds and affect candidates. Foreign governments, people from afar, could do this, and there would be no way to track them down or find it out. If the American people knew with some degree of precision what is happening with these funds, these 527 accounts, they would be shocked. Again, if you were to choose a way of corrupting this democracy, you would design a system similar to these accounts.

Here we are with the Senators from Arizona, Wisconsin, and Connecticut. Their amendment and mine and others simply says: Don't limit the amount of money—although I would like to do that; don't take away the tax deductibility—although I find it absurd that you should get a tax deduction for this but the person who gives $25 above-board to the candidate he or she believes in gets no tax deduction, but a large special interest does and influences an election just as profoundly. But we are not doing that. All we are saying is disclose.

I am looking forward to hearing from my colleagues from Kentucky. I respect his view on the first amendment, which is, from time to time, in this arena, absolute than mine, but he puts his money where his mouth is when he opposed, for instance, the flag burning amendment.

But disclosure does not violate free speech in any way. If it did, all the disclosure regulations that we have should be abolished. Why is it that, for these accounts which benefit politicians and political parties, there should be secrecy, but for any other kind of account there should not? It is clearly not a first amendment argument.

Mr. President, today is the 211th anniversary of the Bill of Rights. It is the most farsighted document dedicated to freedom and humanity that has been created. We should consecrate that birthday by cleaning up one part of the campaign finance system that would offend the Founding Fathers.

When we see what these accounts do, imagine if James Madison, a Madison, looking down and saying: These accounts are being defended in the name of the Constitution and of free speech?

J ust when we think our campaign system could not possibly get any worse, along comes the discovery of this new loophole, section 527. Section 527 is the largest, most disturbing, and most pernicious loophole in a system rife with backdoor ways to influence Government spending. Mark my words, I say to my colleagues, if we do not close this loophole, or at least expose it to the sunlight of disclosure, the 527 accounts will dominate our elections. The so-called soft money will become unimportant. Even the disclosed soft money will become unimportant. All kinds of people, none of whom we would want to see contributing to campaigns and influencing elections, will come above ground. The effects on our democracy will be profound and profoundly disturbing.

The upshot of the crazy system we have, done by accident almost, is that any group can spend any amount on political ads that are not designed to sway elections all without disclosure of any kind.

The Judiciary Committee spent months examining whether the Chinese Government improperly funneled money into the 1996 elections. Many of my colleagues and others are saying this was improper. If they had used one of these accounts, they never would have known about it, and it would have been perfectly legal. The 527 loophole is an open invitation to foreign governments, or anyone else, to secretly pump as much money as they want into this election. To me, it would be contradictory—no, hypocritical—for those who correctly inveigh against the abuses of the 1996 election not to support the amendment offered by the Senator from Arizona because if my colleagues want to stop foreign government influence and have contributions open and not secret, we must close this loophole.

The amendment offered yesterday would end the system of secret expenditures, hidden identities, and sullied elections. It would prevent not only foreign governments but organized crime, money launderers, and drug lords from contributing.

When this election is over, the sad fact of the matter is that we will not even know if the Chinese Government sought to influence our elections through 527 accounts unless this amendment is adopted because there is no disclosure at all. All we want to do is let the people see the groups, who is paying the tab, and how the contributions are being spent.

The Supreme Court, on this anniversary of the Bill of Rights, has said the right to vote is the most important right we have because in a democracy, the right to vote guarantees all other rights. That basic freedom is tarnished when we prevent the American people from seeing who is trying to influence their vote and how.

One of our great jurists, Justice Brandeis, wrote famously that sunlight is the best disinfectant. The bottom line is simple: Do we want to disinfect a system which has become worse each year, or do we want to, under some kind of contrived argument, keep the present system going for someone's own advantage?

I stress this amendment is not an attempt to advance the fortunes of one party or another. It is bipartisan, and it is far more important than that.

Mr. SCHUMER. Mr. President, I ask for an additional 30 seconds to finish my point.

Mr. FEINGOLD. I yield 30 seconds.

Mr. SCHUMER. This is not a liberal or conservative amendment. All groups have availed themselves of this kind of loophole. All groups must be stopped.

It is basic information that the people of America have a right to know, and we have a duty to see that they get it. I thank the Chair, and I thank the Senator from Wisconsin.

Mr. WARNER. Mr. President, I seek recognition and charge it to the time under my control.

Mr. SCHUMER. Mr. President, I have listened to the interesting introductory remarks by our two distinguished colleagues, and momentarily we may receive the remarks of another distinguished colleague associated with this amendment.

I tell my colleagues straightforward, they have my vote. I support them, but I ask them to address the question of the matter that is pending before the Senate: The annual Armed Forces bill. This is a list that goes back to 1961. The Senate of the United States unflaggingly has passed an authorization bill for the men and women of the Armed Forces. I say to my dear friend and colleague, a former distinguished naval officer, this amendment will torpedo this bill and send it to the bottom of the sea where only Davy Jones ones could resurrect it.

To what extent have my colleagues who are proposing this thought about breaking 40 years of precedent of the Senate by sinking the annual authorization bill at a time when the threats facing the United States of America are far more diverse, far more complex, than ever in our history; when the men and women of the Armed Forces of the United States are absolutely desperate in terms of pay and benefits to keep them in the jobs as careerists?

We now have one of the lowest retention rates ever. There are no lines of young men and women waiting to volunteer to be recruited. This bill goes a long way. This bill helps with the benefits they rightly deserve. For the first time in the history of the United States of America, we have provisions caring for the medical assistance of the retirees. First time, Mr. President. It is the first time in the history of this
country, and add on the ships and the aircraft.

I read the Constitution of the United States. What are the responsibilities of the Congress as delineated by our Founding Fathers? "To declare War... To raise and support Armies... To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces..."

That is what this bill does. That is our country's constitutional fulfillment.

Yet my colleagues who are proposing this know full well this bill is subject to what is known as the blue-slip procedure if it leaves this Chamber with this amendment and goes to the House of Representatives. The House will blue-slip it, and this bill is torpedoed.

I await reply of the sponsors of the amendment to the points I have raised and how it could jeopardize and end the fulfillment of the obligation of the Senate under the Constitution of the United States. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield to no one in my concern for the men and women in the military in defense of this Nation. I yield to no one in this body.

I deeply regret that the distinguished chairman of the committee would be part of this red herring which has been raised so Members on both sides of the aisle who oppose disclosure, who have publicly stated time after time that they are in favor of full disclosure—I see the Senator from Colorado on the floor. Senator WAYNE ALLARD stated, in reference to campaign finance reform:

I strongly believe that sunshine is the best disinfectant.

That is from the CONGRESSIONAL RECORD, page 145, Monday, October 18, 1999. He will now be on the floor, I believe, in trying to cover up for that statement. Mr. Chair, tell you what, I say to the distinguished chairman. Right now I will ask him to agree to an unanimous consent agreement—right now—that if this provision causes the House, the other body, to blue-slip this, on which they have no grounds to do so, the next appropriate vehicle that the Parliamentarian views is appropriate, this amendment will be made part of. I ask unanimous consent.

Mr. WARNER. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I thought the Senator from Virginia would object. So I will ask another unanimous consent agreement, that in case this amendment does cause it to be blue-slip, it be in order on the next appropriate vehicle, as determined by the Parliamentarian, that a vote be held on this amendment with no second-degree amendments. I ask unanimous consent.

Mr. ALLARD. Mr. President, I object. I object, Mr. President, on behalf of the leadership of the Senate. The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I have the floor, Mr. President.

Mr. ALLARD. Will the Senator from Arizona yield to me for a point of order?

Mr. MCCAIN. I will not yield to the Senator from Colorado until I have finished my statement. Mr. ALLARD. I just reassert the fact that the Senate suggests in some way...

Mr. MCCAIN. I have the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. The Senator from Arizona has the floor.

The Senator from Colorado said, on October 18, 1999:

I strongly believe that sunshine is the best disinfectant.

Mr. ALLARD. That is correct.

Mr. MCCAIN. Concerning campaign finance reform. So if the Senator from Colorado and the Senator from Virginia are basing their objections to this amendment on the grounds that it would harm the Defense authorization bill, then they should have no objection—no objection—to the unanimous consent agreement that this amendment be considered as part of the next appropriate vehicle by the Parliamentarian.

But instead, the Senator from Virginia is objecting—I take it the Senator from Colorado would object—clearly revealing that the true intentions here have a lot more to do with this amendment than with the defense of this Nation.

So the fact is, on blue slips, all revenue bills must originate in the other House. The precedents of the Senate on pages 1214 and 1215 know eight types of amendments. I ask unanimous consent that this be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVENUE

See also "Constitutionality of Amendments," pp. 52-54, 683-686.

Constitution, Article I, Section 7 (PROPOSALS TO RAISE REVENUE)

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Bills Raising Revenue Originated in the House

The House on various occasions has returned to the Senate bills which the Senate had passed which the House held violated its prerogatives to originate revenue measures. The following types of proposals originating in the House have been returned by the House or decided by the Senate to be an infringement of the House's constitutional privilege with respect to originating revenue legislation:

1. Providing for a bond issue;
2. Increasing postal rates on certain classes of mail;
3. Exempting for a specific period persons from payment of income taxes on the proceeds of sales of certain vessels if reinvested in new ship construction;
4. Providing for a tax on motor-vehicle fuels in the District of Columbia and other District of Columbia tax measures;
5. Agricultural Appropriation bill in 1905 with a particular amendment on revenue thereto;
6. Repealing certain provisions of law relative to publicity of income tax rates, with an amendment increasing individual income tax rates;
7. Concurrent resolution interpreting the meaning of the Tariff Act of 1922 with respect to imported broken rice; and
8. The Naval Appropriation bill for 1928 amended to provide for a bond issue of $350,000,000.

Constitutionality of Amendments or Bills—Question of Passed on by Senate

See also "Constitutionality of Amendments," pp. 52-54, 683-686.

Under the precedents of the Senate, points of order as to the constitutionality of a bill or amendments proposing to raise revenue must be submitted to the Chair or Presiding Officer; the Chair or Presiding Officer has no power or authority to pass thereon.

A point of order on one occasion was made against a bill that it was revenue raising; it was submitted to the Senate, and subsequently laid on the table by voice vote.

Mr. McCAIN. There are eight types of amendments that have been offered in the Senate in the past that were returned by the House after the House decided that the Senate's action was an infringement on the House's constitutional privilege with respect to originating revenue legislation.

One of the eight noted examples in the precedents, it is clear that the Senate was seeking to raise revenue of one sort or another, from increasing postal rates to raising bonds or taxing fuel. This amendment in no way raises any revenue nor does it change in any way the amount of revenue collected by the Treasury pursuant to the Tax Code. It is simply a clarification in what information must be disclosed by entities seeking to claim status under section 527 of the Tax Code.

I say to my friend from Virginia, the American people will see through this. The American people will understand what is being done here—an effort to contravene what literally every Member of this body has said, that we need full disclosure of people who donate to American political campaigns. And if that were not the reason—if that were not the reason—then the Senator from Virginia and the Senator from Colorado would agree to my unanimous consent agreement, which I repeat.

Mr. President, I ask unanimous consent that on the next appropriate vehicle that is viewed appropriate by the Parliamentarian, this amendment be in order for a unanimous vote with no second-degree amendments.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. We have just totally disclosed what this is all about. This is not about the defense of the Nation. This is a defense of a corrupt system which, in the view of objective observers, has made a mockery of existing campaign finance laws, which has caused Americans to become alienated from the system.

We were worried about Chinese money in the 1996 elections. Under the
present system of 527, Chinese money, drug money, Mafia money, anybody's money can come into American political campaigns, and there is no reason to disclose it.

So now here we are with 100 Members of the House regarding the constitutional provision as it relates to taxation.

It has been a matter of privilege since the inception of this Republic. That privilege is determined by the House in the course of resolutions. If this bill goes over, then they adopt a resolution. We know from consultation there are Members of the House who will absolutely take that resolution to the floor, and there is no doubt that this bill will be blue-slipt, and it will be torn to pieces and thrown to the bottom of Davy Jones' locker.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise in support of the amendment offered by the Senator from Arizona to require the disclosure of donors to tax-exempt groups who engage in political activities. These groups use an obscure provision of the Tax Code—section 527—to shield the identity of contributors to tax-exempt groups who engage in political activities. This is a good piece of legislation. Senator McCain from Arizona is certainly a hero in this; he continues to be that. I know he is trying to do what he thinks is best for this country. I respect that. I think we have before us a very important piece of legislation. We should not put it at risk.

This is an authorization bill that increases, by some $45 billion, defense spending over what the President proposed. It is a 4.4-percent increase in real terms over what we spent last year. If there is anything we have neglected over the last several years in the budget, it is our defense.

We have been obligating our troops overseas. In fact, if we look at the record, between 1956 and 1992, our troops were deployed some 51 times. Between 1992 and today, we had the same number of deployments. At the same time we are increasing our reliability on our fighting men and women, we are cutting their budget. I think that is inexusable.

It is time Congress recognized what the problem is that the President of the United States in particular recognizes: We are not appreciating the service of our men and women in the Armed Forces. With this legislation, we begin to appreciate the dedication and hard work of the men and women who have been serving us in the Armed Forces. Again, I thank Chairman WARNER for allowing me another opportunity to speak in strong support of this essential bill for our men and women in the Armed Forces.

This bill is a fitting tribute for those who served, are serving, and will serve in the armed services in the future. This is a defense bill too important to be mired in political goals but should show them respect and provide them the best defense authorization bill we possibly can.
The fiscal year 2001 Defense Authorization Act is a bipartisan effort. For the second year in a row, we have reversed the downward trend in defense spending by increasing this year’s funding by $4.5 billion over the President’s request for a funding level of $309.8 billion.

As the Strategic Subcommittee chairman, we held four hearings. The first hearing was on our national and theater missile defense programs. The second hearing was on our national security space programs. We had a third hearing, the first congressional hearing on the newly-created and much-needed National Nuclear Security Administration, NNSA, and we had a fourth hearing on the environmental management programs at the Department of Energy.

In response to the needs we have heard during the hearings, the Strategic Subcommittee has a net budget authority increase of $266.7 million above the President’s request for the Department of Energy accounts. The bill includes an increase of $503.3 million to the Department of Defense account and a decrease of $263.3 million to the Department of Energy accounts.

There are two provisions I will highlight. The first relates to the future of our nuclear forces. The first relates to the great debate we had on Tuesday and Wednesday regarding the amendment by Senator KERREY and the second degree by Senator WARNER. The original provision requires the Secretary of Defense, in consultation with the Secretary of Energy, to conduct an updated Nuclear Posture Review. It was in 1994 that we had the last Nuclear Posture Review. However, with the adoption of the Warner amendment, there is not in place a mechanism by which the President may waive the START I force level requirements.

The second provision requires the Secretary of Defense, in consultation with the Secretary of Energy, to develop a long-range plan for the sustainment and modernization of U.S. strategic nuclear forces. We are concerned that neither Department had a long-term vision about their current modernization efforts. Both of these provisions are important pieces of the puzzle for the future of our nuclear weapons posture.

A few budget items I will highlight include an increase of $92.4 million for the Virginia program, which requires the Air Force to stay on the budgetary path for a 2003 lethal demonstration and a 2007 initial operational capability; an increase of $30 million for the space-based laser program; a $125 million increase for national missile defense risk reduction; an increase of $60 million for Navy theaterwide; and an extra $8 million for the Arrow system improvement program; and for the tactical high energy program, an increase of $35 million.

In the Department of Energy’s environmental management account, we decrease the authorization by $132 million. However, I will stress that this bill still increases the environmental management account by more than $250 million over last year’s appropriated level.

Again, I will mention a few important highlights of the authorization bill outside of the Strategic Subcommittee. There are many significant improvements to the TRICARE program for members, veterans, and dependents. The bill includes a comprehensive retail and national mail order pharmacy program for eligible beneficiaries, no enrollment fees or deductible, resulting in the first medical entitlement for the military Medicare-eligible population.

I am very happy with the extensions and expansions of the Medicare subvention program to major medical centers and the number of sites for the Federal Employees Health Benefits Program. Yesterday, the Senate, by a vote of 96-1, supported Warner-Hutchinson, which eliminated the law that forced military retirees out of the military health care system when they became eligible for Medicare. Now they have all the rights and benefits of any other retiree.

With regard to the workers at the Department of Energy, we provide employee incentives for retention and separation of Federal employees at closure project facilities, "incentives to mitigate the anticipated high attrition rate of certain Federal employees with critical skills. I just today, we accepted a very important amendment which established an employee compensation initiative for Department of Energy employees who were injured as a result of their employment at Department of Energy sites.

As the Strategic Committee chairman, I believe this bill is the only vehicle to provide such initiative for these workers and their families. I think that is very important. This bill is the only vehicle to provide such initiative for these workers and their families who work at the Department of Energy sites.

On Tuesday, this bill added an additional piece of funding for a memorial which should have already been built. The amendment added $6 million for the World War II memorial.

I will include for the record a copy of the opinion editorial I wrote concerning the World War II memorial. I ask unanimous consent that that be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TIME HAS COME TO HONOR THE "GREATEST GENERATION" WITH A GREAT MEMORIAL

(By Senator Wayne Allard)

June 6 marked the 56th Anniversary of D-Day, the greatest battle fought by what has become known as the "greatest generation" — the men and women who served our country in World War II.

Although it might seem incredible, there is no national monument to recognize those who served our country in Second World War. The Iwo Jima sculpture near Arlington National Cemetery is something of a joke that distinction, but it actually commemorates the Marine Corps alone. There has long been an effort to build something to serve as a point dedicated to the memory of what our entire country and its armed forces went through — the memory of what was lost and of what was won — and this project is finally nearing the conclusion.

I had the honor of listening to former U.S. Senator Bob Dole recently talk about his life in the war and the creation of the memorial during World War II. To the many roles this undeniably great man has had over the years — Senate Majority Leader, president pro tempore of the Senate, a Congressman, and W.W.II platoon leader — he has added fundraiser for the national World War II Memorial. As we remember those who sacrificed to make D-Day a success, I think it is entirely appropriate to pass along his request to me for support from my fellow Coloradans in raising the needed funds to complete this most worthy memorial.

Construction on the memorial is scheduled to begin soon on the National Mall in a powerful location between the Washington Monument and Lincoln Memorial. Veterans Day, 2000. But the $100 million goal has still not quite been reached, and that money needs to be raised to complete the memorial project.

The memorial was conceived to be privately supported. This is how many other monuments that line the Washington Mall — the Vietnam and Korean War memorial, and the Washington and Lincoln memorials, for instance — were financed. The government does not put any support in the form of land and will contribute operation and maintenance requirements as well, but the remaining funding still needs to be found.

The preliminary design features a lowered plaza surrounding a pool. The amphitheater-like entrance will be flanked by two large American flags. Within two granite arches at the north and south ends of the plaza, bronze American eagles hold laurels memorializing the victory of the W.W.II generation. Fifty-six stone pillars surrounding the plaza represent the 48 states and 8 territories that comprised the U.S. during W.W.II. Collectively, they symbolize the unity and strength of our nation.

If we look closely, everyone of us knows someone who served our country during World War II. Be it a father, uncle, brother, sister, neighbor or friend, you too can contribute to this cause in their honor. It is time the "greatest generation" had a great memorial to honor their sacrifice and service to our country.

Information on the project can be obtained through the National World War II Memorial, 2300 Clarendon Blvd., Suite 501 Arlington, VA 22201, or at www.wwiimemorial.com and 1-800-639-4WW2.

Mr. ALLARD. Finally, I want to mention my strong support for the Smith amendment, of which I am a co-sponsor. This amendment would prohibit the granting of clearances for DOD or contractor employees who have been convicted and sentenced for a felony, an unlawful user or addict to any controlled substance, and any other criteria. To be brief, our U.S. national security is too important to risk granting clearances to felons. We are all concerned about personal rights, but when it comes to security issues, these must override all others.
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Mr. President, I thank Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Strategic Subcommittee has oversight of and to congratulate him and Senator LEVIN for the bipartisan way this bill was developed. I ask all Senators to strongly support S. 2549. One of Congress' main responsibilities is to provide for the common defense of the United States. I am proud of what this bill provides for our men and women in uniform.

We must not be blinded by political motives when it comes to our men and women in the armed services. All of the issues that come before the Senate are critical, but I hope that when it comes to this bill, we will remember why we are doing this. This bill is not for us and our political goals, but for our young men and women in the armed services.

I see this bill as a tribute to the dedication and hard work of these young men and women—the same men and women I had the opportunity to visit a few weeks ago on the U.S.S. Enterprise.

At this time, I ask unanimous consent to make some remarks regarding that visit and dedication be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMED FORCES DAY 2000—A TRIBUTE TO OUR MEN AND WOMEN IN UNIFORM
(By U.S. Senator Wayne Allard)

Saturday, May 20th was Armed Forces Day and I can think of no better time to honor those who risk their lives for our great country in the United States military. The millions of active duty personnel who have so selflessly dedicated their lives are protecting freedom deserve the highest degree of respect and a day of honor.

I recently had the privilege of being invited to tour the U.S.S. Enterprise during a training mission off the Florida coast. My experience aboard Enterprise reminded me of the awesome power and strength of the United States military. But more importantly it reminded me of the hard work and sacrifice of the men and women serving in our armed forces.

The U.S.S. Enterprise was commissioned on Sept. 24, 1960 and was the world’s first nuclear-powered aircraft carrier. This incredible ship is the largest carrier in the Naval fleet at 1,123 feet long and 250 feet high. The incredible 76,000 cubic meters of reactor fuel enables this incredible ship to operate and are maintained below. I was in awe of these men and women who are doing this. This bill is not for us and our political goals, but for our young men and women in the armed services.

Mr. ALLARD. Mr. President, I ask for a strong voice to thank the women who have watched the steady deterioration of the vitality of our democracy under assault not from the kinds of foreign enemies that the Department of Defense authorization bill is aimed at protecting us against, but in some senses, an assault from ourselves. We have allowed our political system—particularly the post-Watergate reforms that were adopted to put limits on how much people could give to campaigns, to require full disclosure of those contributions—to be eroded, eroded, made a mockery of. The result is that the public funding is weak, and we have included that money buys access and influence and affects our Government, and it turns millions of them off from the process.

The vitality of this democracy, which is the pulsating virtue and the essence of America that generations of our soldiers have fought and died for, is under attack domestically.

The question is whether we will respond, whether we will defend our democracy. We have had terrible controversies here on the floor over this question, focused particularly in recent months and years on the work that the Senators from Arizona and Wisconsin have done—Senators MCCAIN and FEINGOLD who have particularly focused on soft money. The controversies have not produced yet the 60 votes we need to adopt a change. But even in the case of soft money, though it clearly violates the intention of the law, which is to limit contributions and disclosure, so that part of the post-Watergate reform is still honored.

Now we have the appearance of these 527s, stealthy PACs—spending enormous amounts of money in advertising, buying time for what has become “Big Brother” propaganda over TV to influence voters, without letting them or those who are the targets of those advertisements or the opponents of those for whom they are being placed know who is paying for them, how much is they are paying, and where is the money coming from. Is it coming from America? Is it coming from abroad?

So a bipartisan group of us—breaking through the division on party lines that has characterized too much of this debate about campaign finance reform and too much debate here generally—earlier this year, proposed two responses. The amendment before the Senate now is the second of those responses. It simply removes the soft money. It doesn’t end the mockery of saying one thing to the Federal Elections Commission and another to the IRS—yes, I am in the business of influencing elections, so I deserve the tax exemption; or, no, I am not, so I don’t have to register under the campaign finance laws. All this amendment does is ask for disclosure.

Where is the money coming from? Who is giving it? Who is running these 527s? Is it coming from abroad?

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Where is the money coming from? Who is giving it? Who is running these organizations? Who is going to run in to try to influence the sacred right of voting—the franchise that is at the heart of our democracy? I had hoped that this amendment, which is reasonable,

The PRESIDENT pro tempore of the Senate (Mr. LIEBERMAN). Mr. President, I ask a question, focused particularly in recent months and years on the work that the Senators from Arizona and Wisconsin have done—Senators MCCAIN and FEINGOLD who have particularly focused on soft money. The controversies have not produced yet the 60 votes we need to adopt a change. But even in the case of soft money, though it clearly violates the intention of the law, which is to limit contributions and disclosure, so that part of the post-Watergate reform is still honored.

Now we have the appearance of these 527s, stealthy PACs—spending enormous amounts of money in advertising, buying time for what has become “Big Brother” propaganda over TV to influence voters, without letting them or those who are the targets of those advertisements or the opponents of those for whom they are being placed know who is paying for them, how much is they are paying, and where is the money coming from. Is it coming from America? Is it coming from abroad?

So a bipartisan group of us—breaking through the division on party lines that has characterized too much of this debate about campaign finance reform and too much debate here generally—earlier this year, proposed two responses. The amendment before the Senate now is the second of those responses. It simply removes the soft money. It doesn’t end the mockery of saying one thing to the Federal Elections Commission and another to the IRS—yes, I am in the business of influencing elections, so I deserve the tax exemption; or, no, I am not, so I don’t have to register under the campaign finance laws. All this amendment does is ask for disclosure.

Where is the money coming from? Who is giving it? Who is running these 527s? Is it coming from abroad?
Mr. President, I appeal to my colleague. The PRESIDING OFFICER (Mr. Voinovich). The Senator from Virginia. Mr. WARNER. Mr. President, I would like to ask a question of my colleague. I will charge the time of the entire colloquy to that under my control.

As always, the Senator from Connecticut is fair and straightforward, and clearly in his dissertation to the Senate he said, yes, there is a vestige that this blue-slip procedure could send it to the bottom to Davy J ones' Lock-er, which I actually, I read from Descher's House Prece-dents, which is the "bible" that guides the House.

This is fascinating. Listen to the title: "Invasion of House Jurisdiction or Prerogatives." Isn't that interesting?

Invasion of the House prerogative to originate revenue-raising legislation granted by article I, section 7, of the Constitution raises a question of privilege of the House. I have studied all of this very care-fully. Once that question of privilege is raised, the Senate is left to their inter-pretation.

Colleagues are clearly putting for-ward this amendment with the best of intentions. I said I would support the amendment in any other venue but this. It does raise it, and the House will not allow it. I can recite dozens of precedents. A year or two ago, they sent a blue slip to us on S. 4, the thrift savings accounts for sailors, soldiers, and marines.

I am saying to my dear friend: Why should we take the risk, given the few legislative days left, and given all the work? It is interesting. Our committee has had 50 committee hearings and 11 markup sessions. That is a year's work by 20-plus members of our committee and by the staff, paid for by the Senate, out of taxpayers' funds. All of that is for naught if this bill goes down. It would be the first time in 40 years.

I say to my colleagues: No matter how strongly you feel about the merits of this bill, consider our own constitu-tional responsibility to provide under the Constitution for the men and women of the Armed Forces. I say to my colleague: I would like to know what his reasoning is to take this risk. The Senator from Connecticut is not known as a risk taker.

Mr. LIEBERMAN. Mr. President, I will not respond to the description of the Senator from Connecticut. But let me say if there is a risk, here is a risk that has a remedy. The reason the Senator from Connecticut is prepared to take the risk is the balance of equities involved and the balance of interests involved.

I am so incensed by the proliferation. We are using military terms, quite appropri-ately, on this campaign finance amendment. I note the House chose not appropriately a militaristic term—"invasion"—when talking about their privileges.

But our democracy is so much under threat from the corrosive spread of money in our system that I think we have a moment of opportunity here to get together to pass this amendment and make the statement; in other words, a procedural vote on this. My dear friend and chairman in the House on this very matter on another bill a week or so ago fell short of passage on a motion to recommit, I believe, by barely 10 votes.

I am not prepared to make a judg-ment about how the House will vote on this matter. But I think we have a chance to speak.

I appeal to my chairman just finally on this point. I appreciate very much his statement that he supports the sub-stance of the amendment. If he pro-ceeds on the course of a constitutional objection based on House prerogatives, I appeal to him to find a way to join with us, since we agree on the merits of this amendment, to get a guarantee that the Senate will be able to speak as soon and as clearly as possible on the next available bill to at least require disclosure of contributions and sources of contributions to these 527 PACs.

Mr. WARNER. Mr. President, I thank my colleague. When I regain the floor later I will talk about how long 527 has been around. The Senator from Connecticut sounds as if it has just come on the horizon. It has been around. I don't know why we are taking it up today. When it has been around for some time.

I yield the floor. The PRESIDING OFFICER. Who yields the floor?
Most of the political rhetoric that we have here today will not have a lasting impact. It will pass like a flame, and it will not be remembered. But it is a moment that we must seize. It is a moment that we must seize to shape the future of our nation. And that is why I am here today. I am here to speak about the importance of addressing the challenges that we face today. I am here to speak about the need for a strong and capable military. And I am here to speak about the importance of working together to achieve those goals.

We are facing a的时代 is not the appropriate place to do it. Is it within the rules of the Senate to do it? Yes. In that sense, I suppose you can say it is appropriate. But is it the right thing to do on a military budget and on the defense budget of the United States? I don't think so. I think it does not address some of the critical needs that we have in readiness. And I respect it. But I also don't think it reflects badly on the Senate. That is my honest opinion.

I know the frustrations. We have had debates on campaign finance and the proponents of campaign finance reform had their opportunity. I understand the frustration. I have been on the losing side on many of the debates many times. I look forward to the day some of the debates will have a majority to win.

Maybe that is the approach we ought to take, rather than, with all due respect, dragging this defense bill into this debate. I will highlight a couple of other things. As chairman of the Environment and Public Works Committee, this bill has $127 billion for Department of Defense contracts of defense companies in the national political process. Make clear, and on the defense budget of the United States? I don't think so. I think it does not dignify the debate. I think it represents a little tighter than that so the definition of "felon" is restricted.

It is very important that we address these issues. As chairman of the Environment and Public Works Committee, I have sponsored legislation to address the needs of our service men and women. My legislation, to refrain from the debate on the defense budget of the United States? I don't think so. I think it does not dignify the debate. I think it represents a little tighter than that so the definition of "felon" is restricted.

I urge my colleagues to support this legislation, to refrain from the debate on the defense budget of the United States? I don't think so. I think it does not dignify the debate. I think it represents a little tighter than that so the definition of "felon" is restricted.
with the problem of 527 organizations and their influence in the American political process, what little remains of campaign finance laws in this Nation will collapse before our eyes. The Justice Department may be investigating campaign contributions and the media may be discussing soft money, but the Members of the Senate know that the newest and largest challenge to the integrity of the American political financial system are the 527 organizations. It would be difficult for most people even to state the scale of the problem. It is not a new problem. In 1996, $67 million was introduced to the American political systems through these organizations; 2 years ago, it was $250 million. It could easily be hundreds of millions of dollars in the ensuing months if the Senate does not act.

It is a contradiction with everything this Congress on a bipartisan basis has attempted to do to preserve some integrity in the American financial political system in the last 30 years. The donors to these organizations are secret. They are not necessarily American. They use tax deductions. They distort the national political debate. Everything they are now investigating is legal if they are done through these organizations: foreign governments, illegal organizations, individuals who simply want to distort the system through the exclusive use of their own money.

Some of these organizations may not be organizations at all. It could be a single individual writing $1 million or a multimillion-dollar check in the disguise of an organization. Compounding the problem, adding insult to injury, they are reducing it from their taxes.

Only a few days ago, in the State of New Jersey, two Republican primaries were influenced by these organizations. Candidates were campaigning, raising funds, gaining support, and these organizations were donors to their advertising campaigns. Not a single voter knew who they were, where they came from, what the money was about. They only heard the advertisements. In some respects, this is not a policy question; it is a law enforcement problem. If these organizations coordinate with candidates and their campaigns, it already violates laws. It is incumbent upon the Justice Department to investigate them and prosecute them if necessary to the American financial political system.

I trust on this day while the Senate debates this issue, the Justice Department will meet its responsibilities. But if they are not coordinated, they are legal. That burden falls on us.

I regret the difficulty this causes for Senator WARNER on this very important piece of legislation. His constitutional argument may be sound regarding the reaction of the House of Representatives. Some of the others of not acting are enormous. As chairman of the Democratic Senatorial Campaign Committee, I have urged every Democratic senatorial candidate in the Nation not to engage in this practice of 527s; not to coordinate with them, because it is unethical and it is illegal—denounce them.

If we have learned anything by the soft money example and other exceptions to the prevailing campaign finance laws, it is when a precedence is established and a campaign expenditure enters the political culture, it expands exponentially. This may be our last opportunity before the 2000 elections to close this new avenue through large, unregulated, undisclosed political contributions.

Make no mistake, if we fail to do so, we do not simply invite the abuses of the last few elections, we may create a political system where we return to the type of campaigns before Watergate, where no one knew where the money was coming from, who was providing it, and what it being spent on.

What little remains of this campaign finance system will collapse before our eyes, not in future years, but in future weeks. This Senate has failed to agree upon comprehensive campaign finance reform. While I regret that failure, I at least understand it. There are legitimate constitutional arguments, differences in philosophy and politics.

There can be no legitimate differences on outlawing these undisclosed, unregulated 527 organizations. This should be bipartisan and it should be a deep commitment upon which we act immediately.

I am proud to join with Senator LIEBERMAN in his amendment as a sponsor. I urge the Senate to act before it is too late. The consequences of inaction are enormous, and reconstructing this system, if indeed these organizations proliferate in the ensuing months, will be extremely difficult to impossible. I urge the Senate to act.

I thank the distinguished Senator from Wisconsin and for his support for our amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Virginia.

Mr. WARNER. Mr. President, I yield 5 minutes to my distinguished colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I regret we are doing this today. I can only be as honest as I can be, but if you wanted to do away with 527s for everybody and not leave anybody out, I would do it and I do it in a heartbeat. But not on this bill. Everybody knows the consequences of putting something such as this on this bill. I hope in this very brief period of time—I was hoping to have more time—to at least address how significant this thing really is and what we are talking about.

Mr. President, I have said this since 1996. Our very is the greatest threat it has faced in its entire history. But it is not just me saying this. Now we have George Tenet, who is the Director of Central Intelligence and an appointee of President Clinton, agreeing, in my committee, that we as a Nation are in the most threatened position we have been in in the history of America. So we need to turn this thing around. This is the first year in 34 years we are able to start turning the corner and rebuilding a deteriorated system.

At the National Training Center-Ft Irwin, units coming to the NTC today have not had enough time to train at these same stations to allow them to maximize the training opportunities. This means that the units are leaving the NTC less proficient than those who went thru the rotations in previous years.

At Ft. Bragg, according to the base commander, QSM funds have never been so tight. Commanders are being forced to make choices and trade-offs that their predecessors never faced. In sufficient Base-ops funding has forced commanders to rob accounts. Insufficient RPM funding has resulted in the degradation of facilities in which the military personnel work and live. Maintenance on barracks is so bad that every time it rains, one building leaks into the rooms where the troops sleep, and even into the armory where their weapons are stored which damages those weapons.

At the Norfolk Naval Base, the Navy is experiencing an increase in the cross decking of equipment and munitions as less modern systems are available to outfit all the hulls. In addition, supplies and spare parts are insufficient to support the surging of the Navy to meet its 2 MTW requirements.

Insufficient steaming days and flying hours are amongst the biggest readiness concerns within some Navy units. At the San Diego Naval Base, on average, 20 percent of the deployed planes on the carriers are grounded awaiting parts or other maintenance requirements. Furthermore, the cannibalization of aircraft has gone up by 15% over the last three carrier deployments.

There have been notable reductions in the mission capability and the full mission capability rates of Naval aircraft over the past 4 years. This is true for the deployed and the non-deployed squadrons.

At the Nellis Air Force Base, reduction in Red Flag exercises from 6 to 4 means that fewer pilots can participate each year. The new air pilots thru Nellis once every 18 months vs. once every year. The high OPTEMPO of the forces—deployments are up fourfold while the force is down by a third—has been the principle reason for the reduction.

Regarding Marine Corps Air Ground Combat Center-29 Palms, conditions at 29 Palms and the Marine Corps in general: money is low; ammo is short; and spare parts are scarce. The level of training and readiness has diminished, but it is not what it was in Desert Storm.”

At Camp Lejune, modernization delays have a serious readiness impact.
I say to colleagues, 527 has been on the books since 1975 and here we are dealing with it today: Organizations presently exempt from tax on exempt function income, which includes contributions for political purposes.

The amendment would lift this exemption for 527 organizations which do not provide certain information to the Secretary of the Treasury. Thus, a 527 organization which elects not to disclose would be taxed.

So it is a revenue measure. There is no doubt that this would be taxed on previously exempt income, thus raising revenue. I do not know what more clear example can be made, how this thing will be blue-slipped by the House.

The Senate is invading. I yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I say to my friend from Virginia, he is entirely correct. This is the wrong place for this amendment. But for the conscience of the overwhelming majority of the Senate, I'm not persuaded that the fact that this is the wrong place for this amendment is enough to vote against it, I think it is important to understand that this is a rather limited disclosure amendment. Among the groups that are covered in the 527 amendment the Senator from Virginia and others have been discussing are groups such as the Sierra Club and the AFL-CIO.

Mr. WARNER. Mr. President, let's clarify this. The Senator is talking about the McCain amendment now.

Mr. McCONNELL. I am, indeed. I am talking about the McCain amendment.

The Senator from Virginia was making the point that even if it were otherwise a desirable thing to do, this is the wrong place to do it and runs the risk of having this bill blue-slipped in the House.

On the substance of the McCain issue, virtually everybody in the Senate is in favor of enhanced disclosure, greater disclosure. That is hardly a controversial subject. But to single out 527s only, I would say to my colleagues—to single out 527s only leaves out such groups as the Sierra Club and the AFL-CIO, which do not operate under section 527.

I have long believed we ought to have broad, comprehensive disclosure. I would be in favor of addressing this issue this year. But we ought to do it in a comprehensive way, I say to my friend from Virginia, not leave out some of the major players on the American political scene, many of whom are on the airwaves right now, beating up Republican candidates for the Senate.

From the more comprehensive approach, it is my understanding the Senator from Virginia may well have an alternative to offer that would give all of us an opportunity to go on record favoring enhanced, comprehensive, across-the-board disclosure provision that would not eliminate some of the principal players on the American political scene—ironically, most of whom are hostile to Republicans.

Mr. WARNER. Mr. President, I wish to inform all Senators I have submitted an amendment to the desk. I cannot bring it up as a second-degree amendment at this point in time, but I have submitted the following amendment. I represent, as manager of this bill, at the first opportunity when this bill resumes, I will put this amendment on.

(Purpose: To express the sense of the Senate that no tax-exempt organizations engaging in campaign activities, including organizations organized under section 527 of the Internal Revenue Code of 1986, should make meaningful public disclosure of their activities.)

At the appropriate place, insert the following:

S6791. SENSE OF THE SENATE REGARDING DISCLOSURES BY TAX-EXEMPT ORGANIZATIONS.

(a) FINDINGS.—The Senate finds that—

(1) disclosure of political campaign activities is among the most important political reforms;

(2) disclosure of political campaign activities enables citizens to make informed decisions about the political process; and

(3) certain tax-exempt organizations, including organizations organized under section 527 of the Internal Revenue Code of 1986, are not presently required to make meaningful public disclosures.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that all tax-exempt organizations engaging in political campaign activities, including organizations organized under section 527 of the Internal Revenue Code of 1986, should be held to the same standard and required to make meaningful public disclosure of their activities.

That will be before the Senate hopefully before the day is out.

Mr. McCaIN. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. McCaIN. I ask what force of law that sense-of-the-Senate amendment will have and what the prospects are that these organizations that are currently engaged in these activities will be motivated by a sense-of-the-Senate amendment?

Also, will the Senator from Virginia be willing to add to that sense-of-the-Senate amendment that on the next appropriate vehicle, as deemed appropriate by the Parliamentarian, the McCain-Fenigold-Lieberman amendment be made in order for a vote with no second-degree amendments?

I ask that question because we clearly know that, without the force of law, there is no way these people are going to comply. I am sure the Senator from Virginia understands and appreciates that.

My question is, Will the Senator be willing to modify his sense-of-the-Senate amendment to make it in order
that on the next appropriate vehicle, as
deemed by the Parliamentarian, there
will be an up-or-down vote on the
McCain-Fuengold-Lieberman amend-
ment without any intervening amend-
ments or second-degree amendments?
Mr. LEVIN. Mr. President, my collea-
gue knows full well it will not have the
force of law, but it is an ex-
pression by this body. I have consulted
with the majority leader. He will ad-
dress the issue. It is within his preroga-
tive to determine at what time matters
of this import are brought up. I yield
the floor.
Mr. McCAIN. Mr. President, I yield
myself 30 seconds. The majority leader
is well known for his advocacy for cam-
paign finance reform. I doubt seriously
if anyone believes that the Senator
from Virginia, by propounding a sense-
of-the-Senate amendment that is not
binding legally in any way and will dis-
appear in the mist of time as a myriad
of other sense-of-the Senate amend-
ments it is time the Sen-
ator from Virginia got candid with this
body. The Senator from Virginia
should either come on board and stop
this egregious violation of everything
in which we believe or state his opposi-
tion to it. Please do not think any-
one—anyone—will believe that a sense-
of-the-Senate amendment will have
any impact on the present practices
which most observers in America be-
lieve are corrupt.

The PRESIDING OFFICER. The Sen-
ator from Wisconsin.
Mr. FEINGOLD. I yield 4 minutes to
the Senator from Michigan.
Mr. LEVIN. Mr. President, the sec-
tion 527 loophole is driving elections and
their financing deeper and deeper
into the muck. We cannot stand by
with the values we hold as Americans
and watch elections driven deeper and
deeper into the muck. That is what is
happening with this 527 loophole. It is
tearing elections down. The soft money
loophole has already cut a huge
hole in the campaign finance system.
This section 527 loophole just simply
tears this system to shreds. It allows
unlimited contributions and, even
worse than the soft money loophole, it
allows undisclosed unlimited contribu-
tions, stealth contributions, and the
press reports already tens of millions
of dollars of these contributions are to-
taIy off the campaign finance radar
screen.
The only way people can use this is
by trying to take inconsistent posi-
tions on two laws. The Internal Re-
venue Code defines an organization sub-
ject to tax exemption under section 527
as an organization which influences
or attempts to influence the election of
any individual to any Federal office.
That seems pretty clear. The Federal
Election Campaign Act defines a poli-
tical committee which is subject to reg-
ulation by the FEC as one which in-
mindrations an organization that spends
or receives money for the purpose of
influencing any election for Federal of-

People are creating these 527 organi-
bzations because, and only because, they
influence or attempt to influence an
election. That is why they are exempt
but then ignore the FEC's require-
ments that people who organize for the
purpose of influencing an election have
to disclose.
We cannot in good conscience stand
by and permit this process, this cha-
rade, which is doing so much damage
to the public, to continue.
On this section 527 question, first, the Senate should not agree to a
House interpretation which something
like this is a revenue raiser when it is
not a revenue raiser. We should not
simply accede to that, No. 1. That is
a broad interpretation which the House
uses to have a larger prerogative than
the Constitution provides.
Secondly, we do not know that there
is going to be a blue slip. We do not
know that. The House, I believe, has to
adopt a position. This is not something
which is done informally.
Thirdly, if the House does blue-slip
this matter, there is plenty of prece-
dent for the matter then coming back
to the Senate and the Senate removing
the language in question.
This is being used as an excuse not to
adopt a critically essential amendment
if we are going to even begin to restore
public confidence in the elections in
this country.

This last suggestion by our good
friend, the chairman, that there could
be, instead of a law being passed, sense-
of-the-Senate language which is not
law, is not binding, does not have the
force of law, but even in its own lan-
guage simply says that organizations
who adopt some meaningful dis-
losure of activity, is meaningless, not
meaningful. We should not stand by
and permit this charade to go on any
longer.
While we do not know the universe
of these organizations, because they do
not even have to register with the In-
ternal Revenue Service, we do know
that this is a bipartisan problem that
requires and deserves a bipartisan solu-
tion.
Section 527 was created by Congress
in the 1970s to provide a category of tax
exempt organizations for political par-
ties and political committees. While
contributions to a political party or
political committee are not tax deduct-
ible, Congress did provide for a tax ex-
exemption for money contributed and
spent on political activities by an orga-
nization created for the purpose of in-
fluencing elections. At the time Con-
gress established the tax exemption, it
assumed that such organizations would
be filing with the FEC under the cam-
paign finance laws for the obvious rea-
son that the language for both cov-
verage by the IRS and coverage by the
FEC were the same—"influencing an
election." It was assumed that section 527
did not need to require disclosure with
the IRS, since the FEC disclosure was considerably
more complete.
The amendment before us would re-
quire section 527 organizations to file a
tax return, something they are not re-
quired to do now, and disclose the basic
information about their organization
as well as their contributors over $200.
In January of this year, the staff of the
Joint Committee on Taxation re-
leased a study of the Disclosure Provi-
sions Relating to Tax-Exempt Organ-
izations. In that study, the bipartisan
staff addressed section 527 organiza-
tions, and the JCT staff recommended
the adoption of an amendment to sec-
section 527 similar to the language we now
have before us. The JCT staff specifi-
cally recommended:
1. That 527 organizations be required
to "disclose information relating to
their activities to the public."
2. And that 527 organizations "be re-
quired to file an annual return even if
the organizations do not have taxable
income and that the annual return
should be expanded to include more in-
formation regarding the activities of
the organization.
The JCT report said, "This recom-
mandation is consistent with the
recommendation that all tax returns
relating to tax-exempt organizations
shall be disclosed."
As the 2000 campaign evolves that we
get closer to November, the American
public is going to be seeing the con-
sequences—the real life consequences
of this loophole in our campaign fi-
cance laws. Candidates and parties are
going to be hit with ads by groups
with names that sound like civic
organizations but which in reality
are nothing more than well-financed
political opponents whose sole purpose
is to influence an election. But the
public will not be able to determine
to whom the people are behind the orga-
nizational name. It could be one person,
one union, one corporation, or an asso-
ciation of unions, interest groups, or
organizations. And with a name like Citizens for Safety
would have as its sole contributor a leader of
organized crime. We would never know.
The examples are endless.
I urge my colleagues to support this
amendment. Unfortunately, it does not
stop the unlimited aspect of these se-
cret contributions, but it does bring
these contributions out in the open.

The PRESIDING OFFICER. The Sen-
ator from Virginia.
Mr. WARNER. Mr. President, I yield
5 minutes to the distinguished Senator
from Pennsylvania.
Mr. SANTORUM. Mr. President, I
strongly oppose this amendment for
two reasons: No. 1, on its substance.
Everyone is concerned about the dam-
age to the political system and the
damage to the public and the violation
of things in which we believe, of orga-
nizations masquerading under the condi-
tions that we will have to then cover anyone who does it. If my colleagues are only concerned about certain political groups and not concerned about other political groups
Committee, Jim Inhofe, said, we put in this bill because we understand, as the Senate Finance Committee, what a lot of time and effort into this legislation. And like my colleague from Arkansas, which I, as a subcommittee chair, believe, here we are in Congress picking winners and losers.

I oppose this bill is because we are killing the American political process by picking winners and losers. We are rifle honesty with the public. We are rifle shooting here. We are killing the American political process by picking winners and losers.

At this time, the second reason I oppose this bill is because we are killing the Defense authorization.

So we have two losers here. We have the political process—the big loser—because here we are in Congress picking winners and losers. And the second, we have the authorization process, which I, as a subcommittee chair, and like my colleague from Arkansas, a subcommittee chairman, we put a lot of time and effort into this bill because we understand, as the chairman of the Readiness Subcommittee, Jim Inhofe, said, we put in a lot of effort trying to craft a bipartisan bill.

We don't have too many coming to the floor these days. It is a bipartisan bill. I have worked with my ranking member, Joe Lieberman. We have worked together in concert to put together a bill we can all support—and we all did support in committee—that really meets the needs of our military, that we can talk about the critical issues we had in our subcommittee. We had to deal with the transformation of the Army. I know everybody in this Chamber is concerned about how we transform the Army.

There are some very critical decisions we made in this bill that affect the future of our armed services, and particularly the Army, that I don't believe will be made correctly if we do not pass this bill. I do not think we are addressing the critical issues in the area of the Joint Strike Fighter. We made tough decisions that will not be met if we do not pass this bill.

A lot of people say we can wait. The House may not blue-slip this. The Senate Finance Committee voted on this issue. They voted it down. We know what they will do on this issue. The fact is, even if that is not the case, this is not the right amendment. This is not the right way to address this issue.

If you talk about the "corruption of the system" that these organizations do, cover everybody. If you care about gaining political advantage, vote for this amendment because you will gain political advantage. You will put a chilling effect on some groups and "Katie bar the door" on the others. If that is what you want, if what you want is political advantage, you got it. Vote for it and kill both fairness in public discourse and disclosure, which I am for.

I will vote for an amendment—but not on this bill because I think it will hurt this bill—at some time. I hope the leader brings up this issue. But make sure everybody, make sure we do not pick our friends; you don't have to say anything. You don't have to disclose anything. And by the way, you guys who we really don't like, we are going to get you. We are going to chill your contributions. We are going to make you report everything.

That is what this is about, folks. If we are talking about honesty here, tell the truth. What does your amendment do? That is the truth. So I am happy to debate the truth. The truth is, I will support an amendment that is broad. I will support an amendment that provides disclosure for everybody who engages in political campaigns but not pick my friends over my enemies.

I don't think that is a bill that just picks my friends. Even you said we are not going to cover those organizations, Senator, that help you; we are just going to cover the guys who do not help you, I would vote against it. Do you know why? Because we should not be not doing that. That is wrong. You want to talk about breeding cynicism? Bring up an amendment that calls for disclosure, which excludes the groups that favor you and punishes the ones that don't, that brings cynicism to the process.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. McCain. Can I engage the Senator for 30 seconds?

Mr. Feingold. Yes.

Mr. McCain. Mr. President, apparently the Senator from Pennsylvania does not agree with the Bush campaign, in which, according to an AP story, Bush says:

Plenty of left-leaning groups led by the AFL-CIO help Democrats.

The AP goes on to say:

So far for Gore, the Sierra Club, an environmental group and one of the first to create a 527 spin-off, is in the midst of an $8 million ad campaign aiding Democrats running for Congress and attacking Bush on the environment.

I would know where the Senator from Pennsylvania has been, but I will be glad to show him ample testimony that this comes from both the left and right equally. So the evidence is obviously contrary to that.

I would also hope that the Senator from Pennsylvania would join the Senator from Wisconsin and me where the next amendment would be one that included all organizations.

Would the Senator from Wisconsin be willing to do that as well? The fact is, this is most egregious, because there is no reporting whatsoever in this newly found cornucopia, which would allow the Mafia, drug money, Chinese money, any other kind of money, to come into political campaigns, undisclosed. If that is what the Senator from Pennsylvania believes is honesty, then I plead guilty.

Mr. Feingold. In response to the question of the Senator from Arizona, the Senator from Pennsylvania, fortunately, is plain wrong about the issue of whether this covers other groups. As the Senator from Arizona said, in my opening remarks, I say to the Senator from Pennsylvania, I pointed out that this doesn't just cover the Sierra Club. The Sierra Club has said it has a 527 organization to use very large donations from wealthy individuals totaling $4.5 million.

How can the Senator from Pennsylvania even begin to say that we have not included groups on both sides? The amendment is evenhanded.

As the Senator from Arizona has pointed out, there were reports of groups from both the right and the left using this loophole. Any group claiming this loophole would have to disclose. So it is simply false that it would not include them.

Mr. Santorum. Will the Senator yield for a question?

Mr. Feingold. We have limited time.

I also point out that the AFL-CIO has also said it is willing to make further disclosure itself as long as business is willing to do the same. I would invite the other side to actually offer a real amendment—not a sense of the Senate, but a real amendment—to try to address this.

It is simply untrue that we are not covering groups on both sides. I specifically mentioned the Sierra Club and $4.5 million to cover that.

Mr. President, I yield the floor.

Mr. Warner. I yield to the Senator from Pennsylvania.

Mr. Santorum. I ask the Senator from Kentucky, does the Sierra Club run some of their campaign expenditures through their (c)(4), not through their 527 group?

Mr. McConnell. I say to my friend from Pennsylvania, if this bill passed, that do only issue advocacy would have to publicly disclose their donors. But other tax-exempt groups that do exactly the same kind of issue ads, such as 501(c)(4)s, such as the Sierra Club, and 501(c)(5)s, such as the AFL-CIO, would not have to publicly disclose their donors.

So the problem is, if the idea is to have comprehensive disclosure, we have left out a huge percentage of those who are involved in political activity in the two groups that happened to almost always be in support of candidates on the other side of the aisle. It would also not include the American Trial Lawyers Association.
It would not include groups such as Public Citizen, and environmental groups. As I mentioned, organized labor, all of whom would be exempt.

As I understand, the point of the sense-of-the-Senate amendment of the distinguished chairman of the Armed Services Committee which would be offered, as I understand it, after a motion to table the McCain amendment is approved, would call for a comprehensive approach. The majority leader is going to address the issue of when to do that. It is his opinion— I know he will announce it is his opinion— we ought to do that this year in this session because disclosure is, as the Senator from Arizona has pointed out, an area where we have been largely in agreement. It is a question of making sure that this is the right kind of disclosure and not a kind of selected partial disclosure which happens to have the practical effect of leaving out, in my view, most of the major players who engage in issue advocacy in this country.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I yield 2 or 3 minutes to my distinguished colleague, the chairman of the Finance Committee.

Mr. WARNER. I ask the distinguished chairman of the Armed Services Committee for this grant of time.

I rose today to make two announcements about the proposed amendment.

The first announcement is that the Department of Defense authorization bill is not the vehicle for the issue raised by the Senate amendment.

The second announcement is that there will be a proper vehicle for the issue.

Let's explore my first point, that is, whether this defense bill is an appropriate vehicle for this amendment.

This amendment increases the amount of disclosure that certain tax exempt organizations that are organized under section 527 of the Internal Revenue Code have to make if they are not subject to the disclosure requirements under the Federal Election Campaign Act.

To do this, the amendment will subject these tax exempt organizations to tax on the contributions they receive if they do not follow disclosure requirements similar to the disclosure requirements set out in the Federal Election Campaign Act.

While the objective of the amendment is increased campaign finance disclosure, the amendment is framed in the context of a Tax Code change, which is a revenue measure.

Under the Constitution, all revenue measures must originate in the House of Representatives. If the revenue measure did not originate in the House, then any member could subject the bill to a "blue slip," thereby voiding the entire bill, not just the part of the bill that is a revenue measure.

Make no mistake, regardless of its merits, this amendment will kill this bill. If adopted, this amendment would mean that the Senate would be originating a piece of tax legislation. This is in direct violation of the Constitution. Rest assured, the House will not accept it and will refuse the bill when we seek to send it to them. Hence, the adoption of this amendment will kill this piece of legislation just as assuredly as if we had voted it down.

We must not lose sight of the fact that there is no higher priority than our nation's defense. This bill provides much-needed funds for it. It gives a decent shot at the armed forces by allowing them to enlist and retain the all-volunteer force that stands the perpetual watch over our nation. It provides for spare parts that will keep our Armed Services in service.

Now, I'd like to move to my second point, provision of the proper vehicle.

The House has passed a tax bill that deals with taxpayer rights and disclosure of information for tax-exempt organizations. That bill, known as the "Taxpayer Bill of Rights 2000," is in the Finance Committee.

The taxpayer rights legislation will be the vehicle for proposals to curtail corporate tax shelters, which both the majority and the minority staffs of the Finance Committee have been working to draft. The taxpayer rights legislation will be the appropriate vehicle for this amendment. I support increased disclosure. Section 527 needs to be amended. It is my intention to move such legislation later this year.

Mr. WARNER. Mr. President, may we have the time allocation remaining between the proponents of the amendment and the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 5½ minutes remaining.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona has 5½ minutes remaining.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment is not about politics. I assure my colleagues, this amendment covers all groups regardless of their politics. Not only do we not cover the AFL-CIO, we don't cover the Chamber of Commerce. The National Right to Life, as with those aspects of the Sierra Club that are 501(c)(4), has to publicly disclose through a tax return. This is the most powerful argument against the opponents' attempt to hide this legislation behind the tax shelter. It is not just somehow stop it dead in its tracks. The majority cannot have it both ways on this point.

I ask unanimous consent that a list of instances when the Senate has considered such bills that the House would have considered "bills for raising revenue" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. Finally, Mr. President, the most powerful argument against the opponents' attempt to hide behind the fig leaf of this sham constitutional objection is that their major concern for the prerogatives of the House of Representatives will not fool anyone. This is a vote on campaign finance reform, pure and simple. In the end, when colleagues go back home and when a constituent asks them why they opposed campaign finance reform, if they answer, Well, it might have had a blue-slip problem, I don't think the explanation is going to work very well. That is not cover. The fig leaf is transparent, and the people will see right through it.

This is a vote on campaign finance reform, pure and simple. I urge my colleagues to support this common-sense amendment, and I yield the floor.
Rather interesting, Mr. President, I yield 1 minute to each of my colleagues, the Senator from Arkansas and the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I am for campaign finance reform. I voted for cloture on the McCaин-Feingold bill, and I would do it again. I think this has merit, but it is the wrong time, the wrong vehicle, the wrong scope. If this is the U.S.S. Warner, this is the torpedo that could sink it. That is wrong.

There are too many important things in the bill to destroy it. There is health care for our military retirees forever. By a 96-1 vote yesterday, we put that in. There are retail and mail order pharmacy prescription benefits. I don't want to face these military retirees and say: We thought this was a good vehicle for campaign finance reform. There is the TRICARE remote, a 3.7-percent pay raise.

It is wrong to kill this bill for a non-germane campaign finance provision. There should be an opportunity. We should not put a non-germane provision such as this on an important DOD bill.

Mr. SESSIONS. Mr. President, I have worked with Chairman WARNER for nearly a year on this bill. It is time to pass this bill. I put this non-germane Internal Revenue Code amendment on it, it will be blue-slipped by the House as a revenue bill. It will come back like a rubber ball off the wall.

This is not what we are here for. This is not a campaign finance vote. It is a vote involving the defense of these United States of America. That is what we need to do. I support the chairman. I believe this is a good bill.

Mr. EFFORDS. Mr. President, I rise today to speak in support of the McCaин amendment on Section 527 organizations. I would first like to thank Senator LIEBMAN and Senator McCaín for their work in focusing the attention of the nation on the problems Section 527 organizations are creating in our campaign finance system. Most people don't know what a Section 527 organization is, and that is understandable, it is a highly complex issue. I understand the case against Section 527 organizations is that our campaign finance system is broken and that we must do something to fix it.

A recent report by Common Cause reinforced the point that there are serious loopholes in our campaign finance system.

We must close the loophole allowing so-called "Stealth PAC's" organized under Section 527 of the tax code, to hide their donors, activities, even their very existence from public view. If people are allowed to contribute unlimited amounts of money and have it undisclosed.

The reason this is on this bill, I say to the chairman of the Armed Services Committee when the Byrd-Warner bill was put on the MILCON bill. The Senator from Arizona said:

"Rather interesting. Mr. President, I yield 1 minute to each of my colleagues, the Senator from Arkansas and the Senator from Alabama."

"In clearer terms, Francis Bacon convicted of the same unrighteousness in the saying, 'Knowledge is Power.'"

Mr. President, the passage of this amendment would help arm the people with the knowledge they need in order to exercise their civic duty and sustain our popular government.

I have also long believed in Justice Brandeis' statement that, "Sunlight is said to be the best of disinfectants." People deserve to know before they step into the voting booth which individuals or organizations are sponsoring the advertisements, mailings, and phone banks they may see or hear from during an election. We need to shine some sunlight on these secretive Section 527 organizations so that people will know who or what is trying to influence their vote.

I have watched with growing dismay the increase in the number of troubling examples of problems in our current campaign finance system. These problems were led to a perception by the public that a disconnect exists between themselves and the people that they have elected. I believe that this perception is a pivotal factor behind the disturbingly low voter turnouts that have plagued national elections in recent years.

It is time to restore the public's confidence in our political system. It is time to increase disclosure requirements and ban soft money. It is time to work together to pass meaningful campaign finance reform.

I urge my colleagues to support the McCaín amendment.

Mr. WARNER. Mr. President, is there any time remaining?

The PRESIDING OFFICER. The Senator from Virginia has 30 seconds remaining, and the Senator from Arizona has 2 minutes.

Mr. WARNER. I will let the Senator from Arizona proceed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCaIN. Mr. President, I will quote from the Washington Post on June 4, this Sunday:

Both parties use these section 527 committees. Failure to disclose is the insidious, ultimate corruption of a political system in which offices, if not the officeholders themselves, are increasing becoming a sort of a vehicle they could vote for sunshine, or is the truth too embarrassing for either donors or recipients?

Mr. President, we have heard some very interesting arguments and discussions about whether it is appropriate, unlimited fund for one side or another. There isn't an American who is well informed who does not know that this system has lurched completely out of control, when people are allowed to engage in the political system and give unlimited amounts of money and have it undisclosed.

The reason this is on this bill, I say to the chairman of the Armed Services Committee.
Committee, is that we have been unable to propose an amendment on any bill so far. This has been the first opportunity. I regret doing so. But I was willing to enter into a time agreement to get this done. I told my friend we would continue on this issue until we resolve the objections that may exist concerning it. It is too important. If we are concerned about these men and women in the military—and he and I do share that concern—then we should also be concerned about the military. And he and I share that concern. It is too important. If we are concerned about these men and women in the military and the kind of Government and political system they can be proud of. Today, if they are informed about it, they are ashamed. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. DeWine). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my colleague for the courtesies he has extended me. I said clearly, given the opportunity, I would vote with him. But this time I say to my old sailor friend, man your battle station, torpedoes are on the horizon headed for the port bow of the armed services annual authorization bill. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I know we are not prepared to go to the debate on the next amendment. But I do have a unanimous consent request to make and some brief comments.

For the information of all Senators, the two managers have previously exchanged amendment lists on each side of the aisle. Senator DASCHLE and I have talked about the need to get some finite list identified so that our whips and the managers can begin to work through the lists and see which can be accepted and which ones are a problem, or maybe will not be offered, and which ones will have to have debate or votes. I ask unanimous consent that the list I now send to the desk be the only remaining first-degree amendments in order for the DOD authorization bill other than second-degree amendments which must be relevant to the first degree.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The list of amendments is as follows:

1. Stevens: Environmental fines.
5. Chafee: UAV's.
6. Thomas: Transferring of Veterans' Memorials.
7. jackson: National Guard Education.
9. DeWine: TARS.
13. Stevens: Increase funding for FUSD.
15. Murkowski: payment rates for doctors.
17. Gramm: export controls.
18. Grasso: relevant.
21. Helms: 3 relevant.
27. Domenici: directed energy.
28. K. Hutchison: uniform services health care systems.
29. K. Hutchison: access to health care.
30. K. Hutchison: Balkans.
32. Inhofe: DoD to review qui ram cases.
33. Bennett: Computer export controls.
34. Domenici: Melrose and Yakima ranges.
36. Enzi: Control tower, Cheyenne, WY.
37. Gramm: Retransfer of former naval vessels.
38. Grams: Land conveyance, Winona, MN.
40. Inhofe/Robb: Apache Readiness.
42. Kyl: NIF funding.
43. Lott: Concurrent Service—CNR/CTO.
44. Lott: Acoustic mine detection technology.
45. Santorum: Funding for AV-8B.
46. Hatch: Hi-B's.
49. Lott: 2 relevant to any amendment on list.
50. Warner: Marine Corps Heritage Center.
51. Warner: Indemnification of transferees of closing defense properties.
55. Warner: Technology for mounted maneuver forces.
56. Warner: AP0BS.
60. Warner: USMC Procurement.
61. Warner: Close in weapons system.
62. Warner: Close in weapon system modifications.
63. Warner: Gun mount modifications.
64. Warner: A-76 Study.
65. Warner: Anti-personnel obstacle breaching system.
67. Warner: Future years defense budget (DOE).
68. Warner: 12 Relevant.
69. T. Hutchinson: Revise BAH.
71. Stevens: Alaska Territorial Guard.
72. Amanda: Amend Sec. 2504 to authorize interim lease.
73. Roberts: DOE Computer Export Controls.
74. Snowe: MCI.
75. Inhofe: Relevant.
76. Inhofe: Air Logistics Technology.
77. Inhofe: Ammo Risk Analysis Capability Research.
78. Lott: Keessner Hospital Repairs.
79. Bennett: Altas uranium milling site.
80. Lott: Weatherproofing.
81. Bennett: Critical Infrastructure Protection.
82. McCain: 2 Relevant.
83. McCain: 1 Gambling.
84. McCain: Internet.
85. McCain: 5 Campaign Finance.
86. McConnell: 3 Campaign Finance.
87. Grams: Reserve Grade Level Exemptions.
89. Mack: U.S. Foreign Policy.
91. Johnson/Sarbones: Export Administration.
96. Kerrey: National Guard.
97. Cleland: Plaid.
98. Cleland: Relevant.
100. Feingold: Trident Missiles.
101. Feingold: McCain-Feingold CFR.
103. Feingold: Extension of Law Enforcement Public Interest Conveyance.
104. Feingold: McCain-Feingold CFR.
106. Durbin: Registration Deadline in OPM re: Student Loan Repayments.
109. Feinstein: Relevant.
110. Feinstein: Relevant.
111. Robb: Land Conveyance for the National Guard Intel Center.
113. Kennedy: School Hate Crimes.
115. Kennedy: HMO.
117. Lautenberg: Safe Streets & Schools.
118. Reid: Relevant.
119. Reid: NCAA Gambling.
120. Reid: NCAA Gambling.
121. Reid: NCAA Gambling.
122. Reid: NCAA Gambling.
123. Reid: NCAA Gambling/Civil Rights.
124. Reid: Date of Registry.
125. Daschle: Relevant.
126. Daschle: Relevant to Any on List.
131. Wellstone: CFR.
132. Wellstone: Ag. Concentration.
133. Wellstone: Domestic Violence.
Wellstone: Welfare Tracking.
Wellstone: States Rights to Enact Public Financing.
Wellstone: Mental Health Equitable Treatment Act.
Wellstone: Relevant.
Wellstone: Relevant.
Kerry: Environmental and Public Health Compliance.
Dorgan: SoS Air at I’Guard F-36A.
Dorgan: B-52.
Dorgan: Cuba Ag. Sanctions.
Dorgan: Relevant.
Schumer: Money Laundering.
Schumer: Critical Infrastructure.
Conrad: EB-52 Aircraft.
Conrad: Global Missile Early Warning.
Conrad: Relevant.
Bryan: National Guard.
Bryan: Reserve.
Harkin: VIC Troops Families.
Harkin: Generals Jt Procurement.
Harkin: Secrecy Policy.
Harkin: Health Care.
Boxer: Executive Planes.
Boxer: Transfer Amendments.
Boxer: Use of Pesticides on Bases.
Boxer: Privacy of DoD Medical Records.
Torricelli: Relevant.
Torricelli: Relevant.
Bingaman: Education Partnerships.
Bingaman: Labs.
Bingaman: Relevant.
Levin: Organ Transplant.
Levin: Relevant.
Levin: Relevant.
Reed: Date of Registry.
Liebman: Campaign Finance Criminal Enforcement.
Dodd: Veterans Gravemarkers.
Dodd: Firefighter Support.
Dodd: Cubans in Cuba Commission.
Byrd: Bi-Lateral Trade.
Edwards: SoS Special Pay.
Edwards: SoS Hurricane Floyd.
Lange: Relevancy of Deep Submergence Submarine System.
Landrieu: Special Assault Aircraft and Inflatable Boats.
Landrieu: Relevant.
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Mr. LOTT. Mr. President, there are almost 200 amendments, I think, on this list. The number of them are not related to the national security of our country. They are not related to the Defense authorization bill. There are two amendments now pending that are not related to national security.
I am very concerned about how long this could go on and what these amendments are. They do run the usual range, from the HMO amendment, to campaign finance amendments, to minimum wage, and a whole long list of unrelated or nongermane amendments.
I know when we moved to this legislation this would be possible. I wanted to see how we could do so, see if progress could be made, see if a little steam perhaps could be let off here. This is important legislation, so we are going to have to work through these amendments and cut them down to a reasonable number. Senator DASCHLE and I have discussed the possibility, after we get these amendments and see how we are doing, that we set the bill aside and go to the Department of Defense appropriations with the understanding that when that was completed, we would come back to the authorization bill, and then we would have some idea of what amendments we would have to take time on.
This is not part of the unanimous consent request. We are not locking in on that—never I nor Senator DASCHLE. But we have to find some way to work through this list and, hopefully, be able to conclude this bill. I know Senator WARNER would like to do that.
I wanted to make those observations. I ask Senators on both sides to, if you can, withhold your amendment if it is not essential. Please do that, because there is no way we can do 200, or 100, or 50 amendments and complete this work.
I yield the floor.
Mr. DASCHLE. Mr. President, let me second what the majority leader has just said. I appreciate the fact that he has taken this bill to the floor under the regular order. I have indicated a desire to work with him to complete work on this bill under regular order. Again, as I always do, I thank the assistant Democratic leader for his efforts in trying to narrow the scope and the list.
We have to start here. Now we know what the universe is. Unfortunately, I think the universe includes the "kitchen sink" in this case. I think it is important to try to eliminate the "kitchen sink" and other matters that may or may not be essential to take up. I think there are nonrelevant matters that could be taken up under very short time constraints, as we are about to do. We need to finish the bill as well. I certainly plan to work with the majority leader to see that we accomplish that over the course of the next couple of days.
Mr. WARNER. Mr. President, I thank our two distinguished leaders. No matter how diligent the managers are—there is this question, particularly historically, on this bill that Senator Levin and I have worked on for some 22 years—only the leadership can come down and get that list of amendments. I thank them very much for that.
We will now deal with that as expeditiously and as fairly as we can. I thank the Chair.
The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Democratic leader is recognized to offer an amendment relevant to HMOs on which there will be 2 hours of debate equally divided.
The Democratic leader.
AMENDMENT NO. 3273

(Purpose: To amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.)

Mr. DASCHLE. Mr. President, under the order, I send an amendment to the desk.
The PRESIDING OFFICER. The clerk will report.
The clerk reports the amendment to be as follows:
The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 3273.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.
(The text of the amendment is printed in today's RECORD under "Amendments Submitted").

Mr. DASCHLE. Mr. President, it is with some reluctance that I come to the floor this afternoon—reluctance because we had hoped that this would not be necessary. We had hoped that the action taken by the Senate—now almost a year ago—would have provided us with an opportunity to have finished by now the work begun more than a year ago. The Senate acted in a way that we felt was not as acceptable as we would have liked. The House acted in a way that met the expectations of many of us. On a bipartisan basis the House passed a bill to protect patients' rights on the floor this immediately before the final vote. Byrd: Bi-Lateral Trade. Bryan: National Guard. Bryan: Reserve. Harkin: VIC Troops Families. Harkin: Generals Jt Procurement. Harkin: Secrecy Policy. Harkin: Health Care. Boxer: Executive Planes. Boxer: Transfer Amendments. Boxer: Use of Pesticides on Bases. Boxer: Privacy of DoD Medical Records. Torricelli: Relevant. Torricelli: Relevant. Bingaman: Education Partnerships. Bingaman: Labs. Bingaman: Relevant. Levin: Organ Transplant. Levin: Relevant. Levin: Relevant. Reed: Date of Registry. Liebman: Campaign Finance Criminal Enforcement. Dodd: Veterans Gravemarkers. Dodd: Firefighter Support. Dodd: Cubans in Cuba Commission. Byrd: Bi-Lateral Trade. Edwards: SoS Special Pay. Edwards: SoS Hurricane Floyd. Lange: Relevancy of Deep Submergence Submarine System. Landrieu: Special Assault Aircraft and Inflatable Boats. Landrieu: Relevant. Landrieu: Relevant. Landrieu: Relevant. Mr. LOTT. Mr. President, there are almost 200 amendments, I think, on this list. The number of them are not related to the national security of our country. They are not related to the Defense authorization bill. There are two amendments now pending that are not related to national security.
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June 8, 2000

Mr. DASCHLE. Mr. President, the letter simply calls upon the Congress to act. It says:

We are pleased that you are bringing the bipartisan compromise bill that we passed overwhelmingly in the House last October to the Senate floor today.

They want us to act.

That is from the sponsors of the House-passed legislation.

The doctors so directly involved in our direct and health care needs are also asking the Senate to act today.

I ask unanimous consent that a statement released by the American Medical Association be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
June 8, 2000.

AMA CALLS ON SENATE TO PASS NORWOOD-DINGELL PATIENTS’ RIGHTS BILL AS AMENDMENT TO DOD REAUTHORIZATION

“The Senate must give Americans the patient protections they want and need now.”—Thomas R. Reardon, MD, AMA President.

“The AMA strongly supports attaching the Norwood-Dingell patients’ rights bill to the DOD reauthorization bill. Patients and physicians have worked for more than a half a decade on a bill to protect patients—and now is the time to make that bill a law.

“Patients and physicians are frustrated with the lack of progress in the House-Senate conference committee. We will aggressively pursue all avenues until meaningful patients’ rights legislation is signed into law.

“A Republican staff counterproposal put forward June 4 is unacceptable, making it little better than the HMO Protection Act passed by the Senate last summer. That bill was a sham. Now the Senate has a chance to make it right.

“A May NBC/WSJ poll found that patients’ bill of rights was the most important health issue among registered voters. A recent Kaiser/ Harvard poll found that an overwhelming 80% of Americans support patients’ rights legislation, including the right to sue health plans.

“The Senate—versus what our Republican colleagues in the Senate have advocated as their response to the need for a Patients’ Bill of Rights for the country today.

First and foremost, protecting all patients and making sure that everybody has access to protections is a fundamental difference between the bipartisan plan and the Republican plan. We protect all patients; they don’t.

Holding plans accountable is the second criteria by which we judge whether or not we are truly interested in solving this problem.

Accountability has to be the first or second priority if we are truly going to resolve these problems and address the concerns raised by millions of Americans.

The bipartisan plan holds insurance companies accountable. Unfortunately, the Republican plan does not.

Definitions of medical necessity are a very complex and increasingly disturbing way with which the insurance companies eliminate access to good quality care.

We ensure unfair definitions of “medical necessity” used by insurance companies don’t prevent patients from getting needed care. Our bipartisan plan...
addresses that issue. The Republicans do not.

Guaranteed access to specialists is also an issue that so many people believe needs to be resolved. We address it. The Republicans barely address it at all.

We can go down the list. Access to OB/GYN, access to clinical trials, access to nonphysician providers, choice of providers, point-of-service, emergency room access, prohibition of improper financial incentives. On all of these issues and many more, there is a clear choice between what the Republicans have proposed and what the bipartisan plan adopted in the House requires.

Time is running out. We have about 21 legislative days between now and the August recess. We have about 15 legislative days when we come back from the August recess. We have fewer and fewer days with which to resolve these differences. The time has come now to simply take what has been passed in the House, pass it in the Senate, add it to this bill, get it to the President, and send a clear message that our commitment to resolving these issues could not be stronger.

Our commitment has not eroded. We are determined to deal with this issue this year on a bipartisan basis. We join with our House colleagues in addressing the issue in a comprehensive way. That is what this amendment does. That is why we hope on a bipartisan basis we can make an unequivocal statement about our commitment for resolving this matter first and foremost in this context today. I am deeply appreciative of the extraordinary leadership provided, once again, by the senior Senator from Massachusetts. No one has committed more time and effort and has demonstrated more leadership on an issue than he. On behalf of the entire Democratic caucus, I am extraordinarily grateful to him, appreciative of his leadership and his determination to resolve this matter in a successful way before the end of this session of Congress.

I yield the floor.

Mr. DASCHLE. I yield such time as I may require.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

At the outset of this debate, I express my sincere appreciation to the leadership on both sides, particularly on our side, Senator Daschle, as well as to Senator Lott, to permit an opportunity to vote on a matter which I think is of central concern and importance to families all across this country. I think the timing of this is enormously significant for the reasons we will be able to put out in the time available this afternoon.

The American people have waited more than 3 years for Congress to send the President a Patients' Bill of Rights that protects all patients and holds all HMOs and other health plans accountable for their actions. Every day that the conference on the Patients' Bill of Rights fails to produce agreement on meaningful patient protections, 60,000 more patients endure added pain and suffering, and 100,000 patients report a worsening of their condition as a result of health plan abuses.

For more than 3 months, we have participated in a charade of a conference. Progress has been made on these basic issues. We have tried to reach agreement with the Republican leadership on the specific patient protections that are critical to ending abuses by HMOs and other managed care plans. But the Congress has failed to guarantee patients even the most basic protections. This is not rocket science. It is long past time for this Congress to stop protecting HMO profits and start protecting patients' health.

The House passed a strong bipartisan bill last year to give patients the rights they need and deserve. It has the support of more than 300 leading organizations representing patients, doctors, nurses, working families, small businesses, religious organizations, and many others.

The House bill has overwhelming bipartisan support. One in three House Republicans voted for this legislation. President Clinton would sign that bill today, if it were on his desk. Unfortunately, the Republican leadership in Congress and the Republican conference appear to have no intention of reaching a conference agreement that can be signed into law.

We have repeatedly asked the Republican conference to produce an offer on the critical issues that need to be resolved such as whether all patients will be protected by the reforms and whether patients can sue for injuries caused by HMOs. My staff submitted a document on Sunday night which they claim is a starting point, but it falls far short of what is needed to start a serious discussion. That is not only our opinion. That happens to be the opinion of the principal Republican sponsors in the House of Representatives.

We continue to hope that the conference can be productive, but so far it has been an endless road to nowhere. The clock is ticking down on the current session of Congress. It is time to take stronger action. Make no mistake, we want a bill that can be signed into law this year. There is not much time left. We need to act and act now.

The gap between the Senate Republican plan and the bipartisan legislation enacted by the House in the norwood-ving bill is wide. And the intransigence of the Republican conference is preventing quality progress. The protection that the House-passed bill grants millions of patients across the country, yet the Republican leadership is adopting the practice of delay and denial that HMOs so often use themselves; delay and deny patients the care they need. It is just as wrong for Congress to delay and deny these needed reforms as it is for HMOs to delay and deny needed care.

It is wrong for HMOs to say that the patient suffering a heart attack can't go to the nearest hospital emergency room. It is wrong for Congress not to take emergency action to end this abuse. It is medical malpractice for HMOs to say that children with cancer cannot find a qualified specialist. And it is legislative malpractice for Congress not to end this abuse. It is wrong for HMOs to deny access to patients to clinical trials that could save their lives. And it is wrong for Congress not to guarantee that the routine costs of participating in these lifesaving trials are covered.

The Clinton administration announced yesterday that Medicare will offer the medical care that citizens participating in clinical trials. Congress should demonstrate equal leadership and do the same for all patients.

The House-Senate conference has made almost no progress on issues of vital importance to patients across America. The slow pace is unacceptable. After many weeks, despite the rhetoric from the Republican conference, only two issues have been settled. They were virtually identical in both bills. While there seems to be conceptual agreement on a few more provisions, we have yet to reach agreement on actual language. The critical issues of holding health plans responsible for their actions and assuring that every American with private insurance is protected have not been even discussed seriously. Staff of the Republican conference have provided proposals that they portray as a step towards consensus. Those who support genuine patient protections on both sides of the aisle are committed to making real progress towards a successful resolution of the differences between the Senate bill and the bipartisan House bill. However, the GOP proposals fall far short of what is needed to give patients the protections they need. With a minor exception, their proposal would essentially maintain the current gaping loophole that allows so many health plans to escape responsibility when they make decisions that cause injury or death of the patient.

The Republican author pretends to indicate a sudden willingness to hold health plans accountable in some circumstances, but the American people would be shocked to see the details of their proposal. It is little more than a slap on the wrist for HMOs that refuse to comply with the law. It does nothing to address the vast majority of cases in which patients are injured or killed because of the health plan abuses that arbitrarily deny or delay needed care.

It is riddled with restrictions and limitations. It would protect employers
from liability when they were the ones who made the decisions that led to injury or death. In countless cases where persons were injured or even killed by the wrongful actions of their health plan, there would be no remedy.

It would force patients to go through an external appeals process, even if the disputed benefit could no longer help the patient because the injury was irreversible or because the patient has died.

Our amendment requires patients to exhaust the external appeals process before turning to the courts, but there is a key exception that allows patients who have already been harmed, or the family members of those who are killed, to go directly to the court. Few, if any, patients would ever be helped by the Republican proposal. It gives the appearance of a remedy without the reality.

The Republican proposal on the scope of patient protections is another smokescreen. It does nothing to provide realistic guarantees for any individual not covered by the original Senate Republican bill. In fact, the proposal would reduce current protections for Americans in managed care HMOs by explicitly preempting State laws. The result is that teachers, farmers, firefighters, police officers, small business employees, and many others would be turned into second-class citizens with second-class rights. Here is the list: 23 million to 25 million State and local employees. These are the teachers, these are the firefighters, these are the police officials, these are the nurses, these are the doctors. They are effectively excluded from the GOP coverage. Not so under the Norwood-Dingell proposal. I don't know why they want to have second-class citizens with second-class rights for those individuals. All Americans deserve protection against HMO abuses. No patient should be denied adequate protection because of where they live or where they work.

The Republican claim that they have offered a serious compromise rings hollow for the millions of patients across this Nation. We have an opportunity to provide long-overdue protections for all Americans in managed plans. We have an opportunity to hold HMOs accountable for their abuses. For the first time, the Senate has the opportunity to vote on the bipartisan compromise that passed the House overwhelmingly last year.

Last October, the House passed the Patients' Bill of Rights. Month after month after month, the Senate has refused to give patients across the Nation the protections they deserve. Today, at long last, the issue is out of the back rooms where it has been stalled for so long. The issue is in the open, and it is time for the Senate to vote.

I withhold the remainder of our time. The PRESIDING OFFICER. Who yields time?

The minority has used 24 minutes. Mr. DASCHLE. Mr. President, I designate the distinguished Senator from Massachusetts as my designee for purposes of managing the remaining time. The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. NICKLES. Mr. President, I wish to respond to my colleague, first to say I very much regret our colleague from Massachusetts is bringing this amendment to the DOD authorization bill. I heard the way we may want to pass the DOD bill, but there is certainly no evidence of that when you introduce this bill, totally extraneous to DOD, campaign finance, and other unrelated matters. It appears as if defense doesn't belong. We have an unaccomplished agenda.

Have we voted on these matters before? Yes, we have. Senator KENNEDY is basically saying let's pass the House-passed bill. We are now in conference. I am somewhat resentful of some of the statements that were made by our colleagues. They said the conference was a charade. Tell that to the members of the conference who have worked 100 hours and 200 hours, 400 hours this year—probably more time spent in this conference than any other conference, maybe, in years.

They said there was intransigence on the part of the Republicans. Not so. Republicans have made significant compromises and adjustments in willingness to try to see if we cannot close the gap on two extremely different bills. This House passed a bill called the Norwood-Dingell bill. Now we have Senator KENNEDY saying, we don't care what is going on in the conference, let's just pass the House-passed bill. He tried to pass it before in the Senate. It was not successful. I don't think that success today. As a matter of fact, if he did not have this amendment on the floor today, we would probably be in conference, trying to work out some of the differences. So, we really have to ask ourselves, are the Democrats interested in an issue or political theater—and that is exactly what this is. This does not change a thing. Senator KENNEDY a couple of weeks ago said, "I am just going to warn you, maybe, I'll have to take it to the floor." I said, fine, you are going to find out the House can probably pass Norwood-Dingell again and it will not pass the Senate. Does that help resolve the differences? I don't think so.

We made an offer. I heard some comments made: Well, that offer was a charade; or it wasn't any good, or didn't mean anything. We made some compromises. The offer was there. I have heard back—we didn't get a written response. All we heard is verbally, it did not do very much.

Wait a minute, we have done a lot. If you are interested in protecting those whom we are the Democrats interested in—those who have already been harmed, or the family members of those who are killed, to go directly to the court. Few, if any, patients would ever be helped by the Republican proposal. It gives the appearance of a remedy without the reality. Senator KENNEDY,
But we have agreed that doctors will have the ultimate decision.

An independent appeals process, independent of any plan? We have agreed upon that. He says that is the main thing. Now he is saying that is not good enough.

I am just very displeased, I guess, that language be used that there is intransigence, we had no choice but to bring this to the floor. If anybody wants a bill and have it become law, this is the last thing they should do. And have press conferences blasting the process. This process has been open. This process has been bipartisan. This process has tried to reach across and bring things together, and compromise. Yet they say, we don't care what you have done. As a matter of fact, did they offer the compromise, an appeals process that has been agreed to by Democrats and Republicans? No, they can't back and said, we want the House bill, an inferior product compared to what we have agreed to in the appeals process, far inferior. It is the same with some of the patient protections. We have strengthened protections upon which we have agreed. Did they offer that? No. They want to go back to the House. It is an insult to the Senate to say: We have a conference, but we are not going to take anything from the conference; we will disregard the Senate; we are just going to take the House position.

Any chairman of any committee should think about that: Yes, you are working on a conference; we will insist and try to get the worse things. We don't want to do this.

We want to help people get insurance. The legislation before us has no provision to help finance health care costs for those people who do not have it. We did in our bill. We had it in the House bill that passed the House.

I have one other comment. The President said he would veto the bill that passed the President would veto the bill that passed the Senate. People say: The President will sign this bill. The President said he would veto the bill that passed the House, and the President said he would veto the bill that passed the Senate. Unfortunately, a lot of people are more interested in politics and maybe political theater and seeing if they can scare people. Maybe they think that will be to their political advantage. I very much resent that.

I want to pass a good, constructive Patients' Bill of Rights bill this session, that is better. Keep out the politics. Let's see if we can pass a bill that has a good external appeals process; a bill that does keep HMOs accountable. Let's protect employers. Let's not do something that will increase the number of uninsured.

Let's not do something that will damage the system. I am afraid the process our Democratic colleagues are pulling right now is going to be very disruptive to the conference.

I am going to pledge we will pass a bill out of conference this year, and I hope it is one both Houses will pass and the President will sign that will increase patient protections for all Americans and also keeps health care affordable and attainable for millions of Americans.

I yield the floor.

The PRESIDING OFFICER. Who yields time? Mr. NICKLES. I yield 7 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, under the very able leadership of Senator NICKLES we have worked on this conference report more than 400 hours with more intense effort than any conference of which I have ever been part. From time to time many of our colleagues have said to Senator NICKLES: The Democrats do not want a bill; they want a political issue. Why don't we write a bill and pass it with Republican votes?

Our dear colleagues and leader, Senator NICKLES, has said: No, I want to try to do this on a bipartisan basis. I think what Senator KENNEDY has proven today in a cynical political act is that no good deed ever goes unpunished. We are here today because we are not making progress. We are here today because we are on the verge of writing a bill, but it is a bill that Senator KENNEDY is not for.

Senator KENNEDY has said: If you will just let lawyers get into the patient treatment room and, if you will just let people file lawsuits, he will be happy. We want to put the focus on getting health care, and one gets that from doctors.

In an effort to accommodate and reach a bipartisan compromise, Senator NICKLES proposed allowing HMOs to be sued. What does Senator KENNEDY say? It is not enough. Senator KENNEDY does not just want to sue HMOs, he wants to sue employers. To that we say no, we are not going to sue employers. Health insurance is provided on a voluntary basis, and we do not want employers to drop their health insurance for millions of workers. We are worried about millions of Americans losing their health insurance. Senator KENNEDY is not worried about that; the Democrats are not worried about that because they have their plan.

And here it is. Do my colleagues remember this, the Clinton health care bill? Do my colleagues remember what they wanted to do? They wanted the Government to take over and run the health care system. Today, Senator KENNEDY is very worried about HMOs, but let me read something about how their health care purchasing collectives would work in his bill with President Clinton.

If a patient went to a doctor and asked for treatment for your sick child, and the doctor thought your child should have it, under the Clinton plan if the Government health board ruled no, the doctor could be fined $50,000 for providing that health care to your sick child.

If you said: My baby is sick, I want the health care but the Government will not pay for it, their health care bill said if the doctor provided it and
you paid him, he went to prison for 15 years. That is their idea of HMOs they like, one HMO run by the Government. That is not our idea. We reject it, and we will fight it until it is dead. They will never give up on it. They do not care if millions of people are uninsured because they know how to insure them: Insure them by having the Government take over the health care system. We say no.

In our bill, we expand coverage. We gave tax deductibility to the self-employed. We want to give tax deductibility for buying health insurance if a company does not provide it. Why should General Motors get a tax deduction for buying health care if your company does not provide it? What does that mean? Does Senator KENNEDY have the same views? Does Senator KENNEDY have the same views as General Motors, or people who do not work for an employer that can provide health insurance to their family?

We want to give people choices, so we have medical savings accounts. Yet in this legislation before us, there is not one mention of expanding coverage, not one mention of expanding freedom by letting people use tax-free money to buy health insurance.

We do not have that in our bill. Senator KENNEDY has been saying things that he has not been doing. He does not want people to spend their money on health care. He wants the Government to spend the money for them. That is what this issue is about.

As much as we have tried to write a bipartisan bill, unfortunately, this is an election year. We are proving it right here on the floor of the Senate. We are going to reject this amendment, and I hope we will come to our senses.

I hope that we will go back into conference and write a bill and bring it to the floor, a bill that does not allow employers to be sued, a bill that holds HMOs accountable, a bill that lets people buy health insurance with tax-free dollars, and then let Senator KENNEDY vote no. But I believe that America will vote yes. And this is about what our country needs.

Senator KENNEDY protests that we are not making progress. We are not making progress in the wrong direction. That is what Senator KENNEDY is unhappy about. He is unhappy about the people we are trying to help. We are going to provide tax relief to people to buy health care. We are not going to let the Government take over and run health care.

As for the principle of compromise, I am willing to compromise and go part way, as long as we are going in the right direction. But I do not have any interest in compromising, in going part way in the wrong direction because that means we have further to go in going part way.

I congratulate the chairman of this conference. He has done a great job. He has provided the best leadership on any conference that I have seen since I have been in Congress. He deserves better treatment. I believe Republicans ought to be outraged about this. And I am outraged. I have worked hard on this conference.

We are always to produce a good product. I am happy to have people judge me at the polls on it. I believe when you ask people do they want employers to be sued, I think they are going to say no. Senator KENNEDY wants them to be sued. I say no. Let the American people decide.

I reserve the remainder of my time. The PRESIDING OFFICER, who yields time?

Several Senators addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself half a minute.

Mr. NICKLES. Will the Senator yield for a moment?

Mr. KENNEDY. Yes.

Mr. NICKLES. Mr. President, I ask unanimous consent that the minority leader’s statement be charged against my leader’s time, and I ask that my statement be charged against our leader’s time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 30 seconds, and then 5 minutes to Senator MIKULSKI.

Mr. President, we know a stall when we see one. This conference is a stall.

And we know when we are on an endless road to nowhere. That is where we are. It isn’t the Senator from Massachusetts saying it. It is here. It is the Republican principal leader in the House of Representatives, CHARLIE NORWOOD, I say to the Senator. He is the one who is saying it:

‘The Senate had eight months to develop a concise and memorable statement to be relative to the House liability proposal,’ says NORWOOD, ‘and if all they have to show is a three page staff-level letter that could mean anything and everything, it’s impossible to take this conference process seriously.’

Dr. NORWOOD is trained in the right profession. He is a doctor and he is a dentist; and he knows how hard it is to pull teeth around here. That is what we have been trying to do with our Republican conference.

Several Senators addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. For the information of my colleague, Dr. NORWOOD is not on this conference. Dr. NORWOOD may or may not know that we worked very hard to come up with the appeals process to which we basically have agreed. Dr. NORWOOD may or may not know that we agreed basically on a lot of patient protections. He may not know we spent weeks on the appeals process. We negotiated in a bipartisan fashion.

I think to refer to somebody outside the conference and say the conference is a little extraneous. The conference does not know that we worked in a bipartisan way to come up with the appeals process.

Ask Dr. FRIST. Ask other people who participated in the conference. To have an outsider say, ‘Oh, we haven’t done anything, it is time to get this thing on the House bill,’ I think is disingenuous.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. NICKLES. Not on my time.

The PRESIDING OFFICER. If the Chair could, just to remind the Members of the Senate, the time is controlled by the Senator from Massachusetts and the Senator from Oklahoma.

The PRESIDING OFFICER. I yield myself 5 minutes to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support Senator KENNEDY and my colleagues in moving forward on this issue on a very strong Patients’ Bill of Rights.

In the debate the question was, Do you remember the Clinton plan? I sure do. I remember it with fondness. I wish we had passed it because we would not be in this mess that we are in today.

When the Clinton plan was before the Senate, they said: We can’t pass it. It is going to create a big bureaucracy. It is going to shackle the decision making by physicians. And it is going to lead to rationing by proxy.

What do we have now with this mess that we are rendering in the delivery of health care? This plan, the way health care is being given in this country now, was created by a group called the Jackson Hole group. It might have been created by the Jackson Hole group, but for most patients they go through a black hole trying to get the medical treatment they need.

What do we do for ourselves? Doctors unionizing, hospitals closing, and the American people up in arms. There is a reason for this. This is because our delivery system has turned into a bureaucratic-rationing-by-proxy nightmare. This is why we are trying to move this legislation.

This legislation we are talking about—Norwood-Dingell—passed the House in October 1999 by a vote of 275 to 151. That is bipartisan. The Senate moved quickly to have conferences in October. The House did it in November. But we did not have our first bipartisan meeting until February 23. The first Members’ meeting wasn’t until March. So I am very frustrated by the slow and stodgy pace of these deliberations.

Our progress has been minimal and meager. The snail’s pace of the conference leads me to conclude that unless we act quickly, we are not going to have a conference in this session.

It is high time we deal with this issue. No more delays. No more parliamentary derailing. It affects the
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Mr. NICKLES. Mr. President, I yield 7 minutes to the Senator and doctor from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the Daschle-Kennedy amendment for a number of reasons, but basically it has been already debated and defeated by this body after a week of discussion and debate. And it will be defeated today.

I do wish to make three points over the next several minutes. No. 1, the offering of this amendment today. I do believe, all of a sudden, puts it in political theater, almost in a stunt-like environment as an election issue. No. 2, this amendment is underlying. I believe, a bad bill that could very negatively influence the quality of care in this country, and for sure it will drive people to the ranks of the uninsured. No. 3, the bill is inadequate, as has already been mentioned.

It doesn't address the basic rights of patients. The right of access to care is not addressed.

First, I hope this is not just political theater, but I tend to think it is. It makes people not want to want a bill. They want to politicize it by introducing today an amendment on a totally unrelated underlying bill. We will see how it plays out over the next couple of hours.

To me personally, as a physician, as a Senator, as one who believes we must, can, and will, because the American people expect us to, produce a strong Patients' Bill of Rights, what is most disappointing to me is I am afraid what is happening is the good faith efforts being made by this Congress, where we are spending, as Senators, hours every day, not just over weeks but months on this bill, that this is going to destroy, poison, the good-faith efforts and progress that are being made in the conference where we take a Senate bill that has already passed through this body and a House bill that has passed that body and, in a bipartisan, bicameral way, develop a bill that can and will be passed this year by the Congress.

We are making real progress in merging a 250-page bill on this side and a 250-page bill on the House side. I am afraid today's action, the introduction of this bill, is playing politics with an issue that, as a physician, translates down to affecting the care of individuals, of children, of families. By doing so, we are gambling with the lives and the health of those individuals, many of whom are barely scraping by, barely able to afford the insurance they have, much less able to afford increased premiums which this bill, the amendment, will clearly do. Our goal must be, ultimately, when someone needs care, to get the care they need and deserve in a timely way.

A second point is the confluence that we discuss in each of our meetings, is to get the HMOs out of the business of practicing medicine; with a third goal being a corollary of that, to have the decision-making back in the hands of physicians working with their patients. That can be achieved in the very near future if we forget this stunt, this political theater of introducing amendments to be debated over a couple of days that is already defeated with the bill already defeated 6 months ago.

Why is this bill so bad? Why is the amendment before us so disappointing to me? There are many reasons; I will address two.

No. 1, let's come back to the individual patient. It just may be that you fall into that category where your chances of getting your hypertension treated are less under this bill or your diabetes managed or your cancer diagnosed or the leukemia of your child treated. Why? Because under this amendment, under this bill which has been introduced today, probably somewhere around a million people are likely to lose their health insurance today by this single amendment. Will it be well or will it be well? Back home? We need to look them in the eye and say: Are you going to be one of those million people who, because of the amendment voted upon today, are going to lose their health insurance?

How can I say that so definitively? Because we know this amendment will cost four times what the Senate passed bill will cost in terms of an increase in premiums. The estimated increase in premiums under the bill which passed this body is about 1 percent. Under the bill that was initially proposed by Senator Kennedy, it would go up around 4 percent, four times what is provided in the underlying bill. Ask your constituent back home: How do you feel about possibly being one of those people no longer can afford their insurance and, therefore, go without health care?

No. 2, if you think your child is getting the care he or she deserves today and if you decide that they are not, what do you really want? What do you want to be able to take that child to a doctor and have them say, yes, we will treat the child now. If they say, no, you want to go to a quick appeals process, not in some courtroom 3 years later but today, shortly. If you disagree, then you want to go to another physician unaffiliated with the plan. That is what our underlying conference bill does.

Unfortunately, the bill being introduced today by Senators Daschle and Kennedy has these perverse incentives that, instead of going through that process of internal appeals and external appeals and an independent physician making a final decision, you are encouraged, through incentives, to go directly to the courtroom and file a lawsuit. We need to remember the care you deserve when you need it or when your child needs it or would you rather spend your time in a courtroom week, months, or years later?
In the conference bill, we have strong internal appeals, strong external appeals, an independent physician making a final decision. We address quality of care for you and your family right now. We address access to the care you need, access to that health care you need. We address the final decision making in the underlying conference bill. We have those disputes settled by independent physicians, doctors making the final decision. They are the ones with the best science, the best medical evidence out there deciding medical necessity, not what is in the original plan.

My third and final point is that this bill is inexcusably and embarrassingly inadequate. It does not cover the provision which will be in the conference bill, and that is access. Right now, there are 44 million people without health insurance. Since President Clinton has been in office, 8 million people have lost their health insurance net. It has gone from 36 million to 44 million while President Clinton has been in office. We must address that.

The PRESIDING OFFICER (Mr. Gorton). The Senator’s time has expired.

Mr. NICKLES. I yield the Senator an additional 2 minutes.

Mr. Frist. The underlying conference bill addresses many issues which go well beyond the amendment being introduced today. By voting for the Daschle amendment today, we are basically saying these issues, which are in the original Senate bill, being discussed in conference today, are not important: Access; provisions such as the above-the-line deduction for health care insurance costs; accelerating the 100-percent self-employed health insurance deduction; expansion of medical savings accounts; a new above-the-line deduction for long-term care insurance; a new additional personal exemption for caretakers, all of which make those 44 million people more likely have insurance in the future.

Genetic discrimination: The prohibition of having genetic testing be used against you when you apply for insurance, it is not in the Daschle-Kennedy bill today. It is in the conference bill, the underlying bill passed by the Senate.

We have heard over the last several months that 80,000 people a year die because of medical errors or lack of patients. That is good that we might be in the conference bill because it was in the underlying Senate bill which did pass this body. A vote for the amendment today is a vote that these issues should not be part of the basic Patients’ Bill of Rights.

Let us not play politics. Let us continue to do what we have been doing over the last several weeks and months; that is, advance, taking the 250-page bill passed here, the 250-page bill passed in the House of Representatives, bringing those together in a bipartisan, bicameral approach that comes back to looking that patient in the eyes and saying: We are going to improve the quality of care you receive, not decrease that quality of care. The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLS. Mr. President, I say to my colleagues from Tennessee, I am glad to talk about increasing the number of people who are uninsured. With all due respect, I don’t hear a lot from Senators on the other side about the need to have health security for all Americans. That, truly, is the unfinished agenda.

Secondly, on the playing politics of it, I don’t want to turn around and say he is playing politics with it, but people in the country are wondering how long they will wait. This is all about quality health care. All of our citizens want to be covered, not just the small number in the Republican bill. All of the citizens in our country want to make sure that the doctors are making the decision and there is independent review of their decisions. That is not in the Republican bill. All of the people in our country want to make sure that when they need to purchase prescription drugs or they need to see a specialist, a doctor who can give them and their children the best quality care possible, they will be able to do so. That is not in the Republican bill.

We have been waiting and waiting—3 months, 4 months, I don’t know how many months—for the conference committee to act. With all due respect, people in Minnesota and people in the country want to bring some balance back into this healthcare system. They don’t want it run by the big insurance companies.

They don’t want it run by the big managed care companies. They want us to be responsive to their concerns. This is who we represent. Do we represent these large insurance companies and large managed care companies, the vast majority owned by just a few large insurance companies, increasingly corporatize, industrialize, and insensitive medicine or do we support a health care system that is responsive to the people we represent—the people back home, the mothers, fathers, and children who want good quality health care, who want to be able to go to the doctor that will help them, who want good quality treatment when they need it.

That is what this is all about—patients’ protection and protection for the caregivers, the providers, the doctors. Demoralized caregivers are not good caregivers. The reason the AMA and other professionals support this is they want to be able to practice the kind of medicine they thought they would be able to practice. No one went to nursing school or medical school.

Really, this is a real simple proposition: Are we on the side of the consumers and people back in our homes? Or do we represent just a few large insurance companies who only control most of these big managed care companies? I think we should be on the side of the consumers and families.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. Collins. I yield 6 minutes off of the manager’s time. Mr. President, I will start by commending the conferences on this legislation for their tremendous hard work. They have worked very hard to resolve many of the issues involved in this very complex bill, and they have made tremendous progress. I find it incredible that we are not allowing the conference time to complete its work when they have, indeed, made such progress.

The Senate-passed bill accomplishes three major goals: First, it would protect patients’ rights and hold HMOs accountable for providing the care they promise. As Senator Frist says, our legislation would get people the care they need when they need it. You should not have to hire a lawyer and file a lawsuit and wait years in order to get the health care you need. Instead, we have a quick process to help people get the care they need when they need it, without resorting to an expensive lawsuit.

Second, our legislation would improve health care quality and outcome.

Third—and this is the critical difference between the two approaches being discussed today—our legislation would expand, not contract, access to health care. The fact is that costs matter. We cannot respond to the concerns about managed care in a way that reverts to unduly burdensome Federal controls and excessive lawsuits that drive up the cost of insurance so that we cause people to lose access to health care altogether. That is the crux of this debate.

We have a growing number of uninsured Americans in this country. There are 44 million uninsured Americans—the highest number in a decade. In my home State of Maine, 200,000 Mainers are uninsured. I have met with so many employers who have told me that if the Kennedy legislation passes, they will drop their health care plans. They simply cannot afford to be exposed to endless costly lawsuits in turn for providing a health care benefit.

I just yesterday, I met with a manufacturer from Maine who has 130 employees. He is a good employer. He provides an excellent health care plan. But he told me that if he is going to be exposed to endless liability and endless lawsuits, then he will no longer provide that health insurance to his employees. Many other employers will respond the same way.

So the problem is, if we pass the Kennedy bill, we will drive up the cost of health insurance that will make it further out of reach for those uninsured
Americans who already can’t afford health insurance, and we will add to the number of uninsured Americans because of employers being forced to drop coverage. I can’t imagine that that is a result we want. We should be seeking ways to expand access to health insurance, not imposing additional costs and new burdens that make it even more difficult for employers—particularly small businesses—to provide this important benefit.

Mr. President, let me also comment on the Norwood-Dingell bill. Time and time again, I have heard our colleagues on the other side of the aisle say, oh, this bill doesn’t protect millions of Americans. The fact is that every single American who is under an employer plan, under our legislation, would have the right to an appeals process as set forth in this bill. And that applies whether or not the plan is under a State regulation or in a State self-funded plan. That appeals right—which is the heart of the legislation, the single most important reform to ensure that people get the care they need when they need it—applies across the board.

Where the legislation differs is on the question of whether we should preempt—just wipe out—the good work that State governments have done in the area of patient protection. States have acted to provide specific consumer protections without any prod or mandate from Congress. In fact, 47 States have already passed legislation prohibiting gag clauses from being included in health insurance plans.

Why do we need to preempt that good work? We should recognize that it isn’t a one-size-fits-all approach, that, indeed, a health insurance mandate in one State may not be appropriate in another. For example, the State of Florida, which has a high rate of skin cancer, provides for direct access to a dermatologist. That isn’t a big problem in my State. Florida, which has a high rate of skin cancer, provides for direct access to a dermatologist. That isn’t a big problem in my State. Yet we have other needs.

California Medical Association. We proposed four things to them—four very simple things. One of them was the definition of “medical necessity.”

The Senator from Tennessee just said: It is important to get the HMOs out of the business of practicing medicine. That is the heart of the debate on the floor when the Senate bill was up—to change the medical necessity provisions to make sure doctors decide what is medically necessary, not insurance companies.

So I thought I would go to them and ask them to voluntarily make changes in how medical necessity is determined, in medically necessary drugs and in two other areas. There was a lot of discussion and several meetings. The bottom line is that they are unwilling to change the bottom line is that they are unwilling to change the law that people have either needs. Each State has been able to tailor its health insurance plan.

Indeed, it has been States that have been responsible for the regulation of insurance for over 50 years. I daresay they have done a far better job in protecting the consumers of their States than we would have if we turned over the regulation of insurance to the Health Care Finance Administration. Do we really want to have Washington regulating health insurance in each of the 50 States? That is what the Kennedy bill would do.

There is a better way. We should enact a Patients’ Protection Bill of Rights this year. We should protect a bill that is like the Senate bill. I am confident that, given time, the con- ferees will accomplish that goal.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields?

Mr. KENNEDY. I yield 3 minutes to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts.

Mr. President, the significance of this debate, in my view, is this: The Norwood-Dingell bill—the Daschle amendment here—is a good bill. It would provide coverage for 161 million Americans, as opposed to the 48 million Americans covered by the Republican bill. But there is something happening here today is that if the Senate were to enact this bill, to pass this bill, we would have health care reform in the United States. The bill would go directly to the President, it would be signed, and the work done.

Instead, the concern of many of us is that this is simply not going to happen. And we have a chance to make it happen today. I contend that no one should go out there and say they are for health care reform and not vote for a bill that has the opportunity to become a reality. That bill is the House-passed Norwood-Dingell bill, and we have that chance today.

After the consideration of the bill on the floor I went to California. California has the largest penetration of managed care in the Nation. I talked together the CEOs of the big managed care companies and the Califor nia Medical Association. We proposed four things to them—four very simple things. One of them was the definition of “medical necessity.”

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The PRESIDING OFFICER. Who yields?

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Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts.
health plan's permission first. Emergency room staff could stabilize, screen and evaluate patients without fear that plans will refuse to pay the costs.

According to the University of California, Los Angeles, Health Insurance Policy Study, 80 percent of HMOs are confused about where they should turn for help in resolving their problems and are most not satisfied with the resolution of their problems. There is a need for a clear grievance procedure and independent review of health plan decisions to prevent adverse health outcomes to the extent possible.

The Daschle amendment requires plans to have both an internal and external review for benefit denials. The review must be conducted and completed by a medical professional within 14 days or 72 hours in the case of an emergency. For external reviews, the reviewer must have medical expertise and a determination must be made within 21 days after receiving the request. In the case of an emergency, that decision must be made within 72 hours.

Senator Daschle's amendment would also allow patients to sue health insurance plans in state courts for denials or delays in care if the internal and external review process has been exhausted first, unless injury or death has occurred before the completion of the process. Plans complying with an external review decision would not be subject to punitive damages. Additionally, those who were not involved in a claim decision would be exempt from such legal action. This provision helps patients keep their health plan accountable for the decisions made about their health.

Another key issue before us is who is covered. Under this bill, all 161 million insured Americans would be protected. This is a vast improvement over the Senate bill which only covers 48 million Americans. How can we say one group deserves protections and another does not?

The words of this Californian provide an accurate and poignant summary of the problem. Kit Costello, president of the California Nurses Association, said:

Most Americans see a confusing, expensive, unreliable and often impersonal assembly of medical professionals and institutions. If they see any system at all, it is one devoted to maximizing profits by blocking access, reducing quality and limiting spending... all at the expense of the patient. Who's in charge of my care? The average American believes that health insurance companies have too much influence and exert too much control over their own personal care—more than their doctor, hospital, the government or themselves. Sometimes more than all of them combined.

Mr. President, people should not have to fight for their health care. They pay for it out of their monthly paycheck. It should be there for them when they need it.

Last fall, after the Senate completed consideration of the HMO bill, I convened a group of HMO officials and health care providers in an effort to address some of the complaints we were hearing from patients and doctors in California. They met several times early this year.

I asked them to try to reach agreement on at least four issues:

1. Clear language in contracts between plans and providers on medical necessity. I suggested the language like that that I proposed in the Senate which defined "medically necessary or appropriate" as "a service or benefit which is consistent with generally accepted principles of professional medical practice."

2. Two, payment of claims: Because at the time, 50 percent of physicians and 75 percent of California medical groups were reporting serious delays in payments by plans, I asked them to agree on a system for promptly notifying doctors when patients' leave plans and an assurance of prompt payment of claims.

3. Three, low premium rates: According to a 1999 Price Waterhouse Study, California has one of the lowest average per member premium rates per month for the commercial managed care marketplace. Of this, doctors receive around $35 for actual patient care. Payments in California are 40% less than those in the rest of the country. Over 75% of medical groups are in serious financial trouble in my state. I suggested that they develop payment rates that are sufficient to cover the benefits provided in an enrollee's contract, rates that thus are actuarially sound.

4. Four, formularies: Finally, physicians were telling me that it is difficult to find out which drugs are and are not on plans' formularies and that it was difficult to get exceptions from formularies for patients when drugs not on the formulary were medically necessary and more effective than those on the formulary.

I had hoped they could work out better methods for letting doctors know which drugs are on the plans' formularies and to agree on a uniform method for allowing exceptions to formularies when nonformulary drugs are medically necessary.

There were several meetings in January and February. It is now June. Even though there were several constructive discussions, little resolution was reached.

And so, without voluntary action by the industry, legislation is all the more necessary.

I hope the Senate passes this amendment today and sends it to the President for signature.

The President. The President.

Mr. Nickles. Mr. President, what is the time remaining?

The President. The President.

Mr. Nickles. Mr. President, what is the time remaining?
Care Financing Administration enforce the new insurance standards in those States that decide not to adopt the Federal laws. To date, 23 States have refused to enact one or more of the provisions contained in the Health Insurance Portability and Accountability Act and in the scope of the legislation half the country, HCFA is the agency that consumers must turn to for help in enforcing these new Federal insurance mandates. The House-passed bill would continue this pattern and accelerate the Federal role of ensuring that regulations of the federally regulated, self-funded ERISA plans. In sharp contrast to their support for the Senate bill’s applicability, they believe the singling out of State insurance laws to largely preempt these important State laws and replace them with Federal laws that we submit the Federal Government is ill-prepared to monitor and enforce. The National Conference of State Legislatures goes on to say: “[T]he Federal Government will not be able to deliver on the promises and may very well prevent States from delivering on theirs regarding patient rights.”

Mr. President, I ask unanimous consent to have the full text of the National Conference of State Legislatures policy statement be printed in the RECORD.

There being no objection, the material was agreed to be printed in the RECORD, as follows:

**ACTION POLICY, MANAGED CARE REFORM**

NCSL supports both the establishment of needed consumer protections for individuals receiving care through managed care entities. We also support the development of public and private purchasing cooperatives and other innovative ventures that permit individuals and groups to obtain affordable health coverage. We strongly oppose preemption of state insurance laws and efforts to expand the ERISA preemption. The appropriate role of the federal government is to: (1) ensure that all States engage in effective state regulation, and (2) establish a floor of protections that all individuals and groups receiving health care through federally-regulated plans enjoy protections similar to those already available in most States; (3) establish a floor of protections that all individuals and groups receiving health care through these plans have not benefited from the state laws enacted to provide needed protections for individuals who receive care through managed care. It is appropriate, therefore, for the Congress to address the needs of these individuals.

States have taken the lead in providing needed regulation of managed care entities. The reforms at the state level have enjoyed bi-partisan support and have been successful. This has been the case for ERISA plans that have provided necessary protections to people who receive their health care benefits from self-funded ERISA plans, we would surely have done so. We have asked for the privilege of working on this important point. In NCSL’s action policy on managed care, they state: [T]he Senate-passed version of the “Patients’ Bill of Rights” generally preserves the traditional role of States as insurance regulators, and focuses most of its attention on the federally regulated, self-funded ERISA plans.

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Our goal is to give Americans the protections they want and need in a package that they can afford and that we can enact. This is why I hope we will be successful in our efforts to develop a conference committee report that includes a true Patients' Bill of Rights, which can be passed and signed into law by the President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield to the Senator from West Virginia 3 minutes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank the Senator from Massachusetts. I thank the Presiding Officer.

The American Medical Association says:

The AMA strongly supports attaching the Norwood-Dingell patients' rights bill to the DOD reauthorization bill. Patients and physicians have worked for more than half a decade on a bill that protects patients. Now is the time to make it law.

They further say:

The Republican counterproposal put forward on June 4 was unacceptable making it little better than the HMO protection act passed by the Senate last summer. The bill was a sham.

That is the American Medical Association.

I listened to my colleagues, all of whom have enormous affection for, and they know I respect them. I work with them on many things. As they describe the conference process, I can't really believe what I am hearing, because I have been in that conference. What I am hearing on the floor and really believe what I am hearing, be with them on many things. As they describe the conference process, I can't really believe what I am hearing, because I have been in that conference. What I am hearing on the floor and what I heard in the conference is two entirely different worlds.

I would like to expand on that, but I don't have the time. But we have asked for proposals. We haven't gotten proposals. We should not be in the business of suing HMOs or corporations. We said we wouldn't do that. Senator KENNEDY said it many times. Congressman DINGELL said it many times. If you want to write the language which says that corporations cannot be sued under this bill, we will accept the language. We don't want to sue corporations unless they themselves intervene in the decision which produces death or injury. What could be clearer than that?

To listen to the argument from this side, one would think it was something entirely different. This is reduced to political discussion. As Democrats, we feel passionately about the Patients' Bill of Rights and want 361 million Americans or more to be covered by this, rather than the 48 million which would be covered by the present Senate bill. The first, second, and third argument is that if the bill passes, and second, if the bill doesn't pass, to know so that there could be created a ground swell for future action over who is accountable. It is accountability not only for HMOs, but accountability for Congresspeople on both sides.

Our Patients' Bill of Rights—basically, the one that has been introduced which I urge my colleague to support—is incredibly sound and sensible. It gives people the kind of protection they want.

Senator FRIST understands well that a child needs a pediatric cardiologist; an adult needs an adult cardiologist. An adult's fist is not the same as a child's fist. They require different kinds of surgery. In the bill the other side proposes, that would not be possible. They could not go out of their plan to get that kind of help. In our bill they couldn't.

That is an example of the kind of attention we placed in this amendment.

I urge my colleagues to support the bill we have before the Senate. It is much better for the American people.

Mr. NICKLES. I yield 3 minutes to the Senator from Wyoming, a member of our conference who also has additionally been a small businessman and former mayor.

Mr. ENZI. Mr. President, I am disturbed at this attempt to derail a conference committee that has been working months on end. If this bill were easy, we would have done it in a few minutes. If this bill were easy, both versions would have come out.

We have a system of government that is based on both bodies considering, to their greatest capability, every problem. When legislation is different on one side from legislation on the other side, there is a conference committee. This conference committee has probably put more time into trying to resolve the issues, rather than to jam one side against the other, trying to get an understanding of what is trying to be achieved and reach a conclusion that incorporates both bills. There has been a lot of progress.

The amendment before the Senate does not include the compromises that have been made to date, some very important ones. This bill has a big city approach to it. Wyoming doesn't have any big cities. Our biggest city is 50,008 people. I have one city in Wyoming, the biggest city in a county the size of Connecticut, and they don't have a hospital or emergency facilities. They drive themselves in an emergency an hour to get to a doctor.

What works in Massachusetts won't work in Wyoming. The bill has to serve both areas. It has to serve the cities and the rural areas. We have to have a system that is unique. We can't force one method on everybody. That is what happens if we go to the bill that the House passed. We have been getting some things in that meet the needs of the small retailer, that meet the needs of the small communities that are isolated. We have some things in the bill that take care of the patients.

It isn't just going to effect the small businesses. My staff was talking to Pitney Bowes. Their health care person is not just an adult; he is the personal physician to President Ford. Now he is administering one of their numerous health plans. He has said if the Norwood-Dingell version passes, they will have to eliminate the kind of health care they have. That is a big employer with a lot more capability than the small employers.

We cannot derail a process that is working, a process that worked for our country years and years and years for one that solves difficult problems such as this, one that brings into consideration all of the parts of this vast country—not just a solution that a few people in Washington. We have to get the opinions of the people of this country included in the bill.

Mr. President, I'm more than a little surprised that in response to a first-time-ever Republican offer on a Patients' Bill of Rights to expand liability and scope, the Democrats have walked away from the table. That's an incredible counter-productive reaction to a giant step towards compromise. This conference has been long and knowledge to the Federal government that States are indeed the most appropriate regulators of health insurance. It was acknowledged that States are better able to understand their consumers' needs and concerns. It was determined that States are more responsive, more effective enforcers of consumer protections.

As recently as last year, this fact was reaffirmed by the General Accounting Office. GAO testified before the Health, Education Labor, and Pensions Committee, saying, "In brief, we found that many states have responded to managed care consumers' concerns about access to health care and information differently. However, they often differ in their specific approach, scope, and form in and form."

Wyoming has its own unique set of health care needs and concerns. Every state does. For example, despite our year-round residents and cold temperature regarding skin cancer that Florida has on the books. My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from an interview with the Wyoming Insurance Commissioner. It's about a mandate that I voted for and still support today. You see, unlike in Massachusetts or California, for example, in Wyoming we
have few health care providers; and their numbers virtually dry up as you head out of town. So, we passed an any
willing provider law that requires health plans to contract with any provider in Wyoming who's willing to do so. While that idea, I simply sound, I mean to my ears is in another context, it was the right thing to do for Wyoming. But I know it's not the right thing to do for Massachusetts or California, so I wouldn't dream of asking them to shoulder that kind of mandate for our sake. Simpliciter, reasonably, apply it within our borders.

As consumers, we should be downright right angry at how some of our elected officials are responding to our concerns about the quality of our health care and the alarming problem of the uninsured in this country.

It is being suggested that all of our local needs will be magically met by stomping on the good work of the states through the imposition of an expanded, unfettered federal bureaucracy. It is being suggested that the American consumer would prefer to dial a 1-800-number to nowhere versus calling their State Insurance Commissioner, a real person whom they're likely to see in the grocery store after church on Sundays.

As for the uninsured population in this country, carelessly slipping down a massive new bureaucracy on our states does nothing more than squelch their efforts to create innovative, flexible ways to get more people insured. We should be doing everything we can to encourage and support these efforts by states. We certainly shouldn't be throwing up roadblocks.

And how about enforcement of the minority's proposal?

Well, almost one year ago this body adopted an amendment that stated, "It would be inappropriate to set federal health insurance standards that not only apply unilaterally and unilaterally, and unilaterally, but also would have to be enforced by the Health Care Financing Administration if a State fails to enact the standard." Yet here we are one year later where, not only is it being suggested that we trample the traditional, overwhelmingly appropriate authority of the states with a three-fold expansion of the federal reach into our nation's health care, but this responsibility of the 50 State insurance departments but also would have to be enforced by the Health Care Financing Administration if a State fails to enact the standard.

Yet here we are one year later where, not only is it being suggested that we trample the traditional, overwhelmingly appropriate authority of the states with a three-fold expansion of the federal reach into our nation's health care, but this responsibility of the 50 State insurance departments but also would have to be enforced by the Health Care Financing Administration if a State fails to enact the standard.

And guess what, it looks even worse for consumers under HCFA's "protection," according to a new report released by GAO on March 31st of this year. The model the Democrats are supporting, the one I've been mentioning, the Patients' Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report: "Nearly four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying what were federal enforcement will be required." Regarding HCFA's role in also enforcing additional federal benefits mandates that have come out of HIPAA, the GAO states, "HCFA is responsible for directly enforcing HIPAA and related standards for carriers in states that do not. In this role, HCFA must assume many of the responsibilities undertaken by state regulators, such as responding to consumers' inquiries and complaints, reviewing carriers' policy forms and practices, and imposing civil penalties on noncomplying carriers." And then, the GAO report reveals that HCFA has finally managed to take a baby step: "HCFA has assumed direct regulatory functions, such as policy reviews, in only the three states that voluntarily notified HCFA of their failure to pass HIPAA-conforming legislation more than 2 years ago."

Is this supposed to give consumers comfort? First we should usurp their local electoral rights or their ability to influence the appointment of their state insurance commissioner and then legislate ineffective? I'm not sure I could find a single Wyoming to cram to take the back for this kind of public service.

I could go on at length about the very real dangers of empowering HCFA to swoop into the private market, with its embarrassing record of patient protection and enforcement of quality standards. Such as how it took 10 years for HCFA to implement a 1987 law establishing new nursing home standards intended to improve the quality of care for some of our most vulnerable patients. But I think the case has already been crystallized in the minds of many constituents: "enable us to access quality health care, but don't cripple us in the process."

The next, equally important issue is that of exposing employers to a new cause of action under a Patients' Bill of Rights. Employers voluntarily provide coverage for 133 million people in this country. That will no longer be the case if we authorize lawsuits against them for providing such coverage. This is basic math. If you add 133 million more people to the 46 million people already uninsured, I'd say we have a crisis on our hands. In my mind, a simpler decision doesn't exist. We should not be suing employers.

Mr. President. Let me close by saying that the conference has worked in incredible good faith, logging more than 400 hours and counting. We have come to conceptual agreement on a bipartisan, bicameral basis on more than half of the common patient protections. We have come to bipartisan, bicameral conceptual agreement on the framework for a far more extensive, independent, external medical review process. Most dramatically, the bicameral Republicans have offered a compromise on liability and scope, to which the Democrats have given no formal, substantive response, just rhetoric and political jabs in the press. It is absolutely bad faith to have done so. I think it would be regrettable if these continued public relations moves torpedoed what, so far, has produced almost everything we work for a far more effective conference product. I encourage all of my colleagues to take the high road and support the legislative process our forefathers had in mind, versus a public relations circus.

Let me share an employer story. Here's another employer "real life" story. Within the last hour, my staff was on a conference call with the Medical Director of Pitney Bowes, a large employer that self-insures and self administers a Cadillac-style health plan for more than 23,000 employees and retirees. All of my colleagues should take note that this is not just any private citizen. Dr. Mahoney was the personal physician to President Ford. Now he is administering one of numerous health plans that this amendment threatens to dissolve.

Everything from on-site medical centers to on-site fitness centers to the educational seminars on skin cancer management to on-site health and stress management that PITNEY BOWES currently offers would be jeopardized. They've said the worst case result would be terminate the employer plan altogether. That sentiment has been echoed from countless other employers from IBM to caterpillar to mom-and-pop shops.

I urge my colleagues not to crush plans like Pitney Bowes over politics.

Mr. Kennedy. I yield 5 minutes to the Senator from North Carolina.

Mr. Edwards. Mr. President, I thank all of my colleagues who are involved in this conference and thank them for their hard work and certainly defer to all of them about the specifics of what has occurred in the conference and the work they have done there.

There are some specific issues about which I am concerned. First, it is important for the American people to understand that the Patients' Bill of Rights means nothing unless those rights are enforceable. Under any of these bills that are being considered, there are only two enforcement mechanisms. Without those mechanisms working, without them being effective, the rights don't exist because the insurance companies can do anything they want and can do so without responsibility for what they do.

There are two enforcement mechanisms. First, if we have a real and meaningful independent appeals process, that is an enforcement mechanism. Second, we do for health insurance companies the same thing we do for every single American listening to this debate—when they hurt somebody, we hold them responsible. There has been a lot of argument about lawyers, lawsuits, and HMOs. Why in the world are HMOs and health insurance companies entitled to be treated any differently than the rest of

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us? When we walk out the door and with our automobile or some other way cause injury or death to somebody, we are responsible for that. Everybody listening to this debate can be held responsible. Why is the health insurance company entitled to be treated differently? Are they a special cut above the rest of us?

We need real and meaningful enforcement mechanisms. The appeals provision that came out of the Senate was not truly independent because the insurance company had control over the people who made the appeals decision. Something has to be done about that; Otherwise, there is no independent appeal. That issue, as I understand it, has not been resolved. If it is not resolved, the appeals process means nothing. It is not independent.

The other issue I want to talk about is holding HMOs accountable for what they do or do not do, treating them as every other American citizen, every other American business. It is important to pay too much attention to the rhetoric. There is lots of rhetoric in this debate. We are creating a cause of action, a right to sue, and we just want to exempt employers from that. Unfortunately, the use of the language makes a huge difference in whether the patient really has a right or not. Let me give an example. This is a language that was proposed recently in the conference from the Republicans about creating a cause of action:

A new Federal statutory cause of action would be created in ERISA to allow for lawsuits for failure to comply with the decision of the independent medical reviewer.

In other words, no matter what the insurance company does, as long as they do what the independent reviewer says they have to do, they can never be held responsible.

Here is the problem with that: A patient goes to the hospital. They need emergency care. They call the HMO. The HMO says we will not cover it; we will not pay for it. The patient dies as a result or is seriously injured for the rest of their life. Three days later, after an appeal is filed, some independent reviewer says, of course this was covered by the policy. So the insurer says: Now I will comply; I will do what the independent reviewer says. As long as they do that, under this provision, they cannot be held responsible.

The problem is they did the damage when they made the initial decision. If they make an absolutely egregious decision, for whatever reason, no matter how bad their conduct, we are not going to cover this care. Then, if 4 or 5 days later they are reversed by an independent review, they cannot be held responsible for that original decision no matter what the damage is, no matter how irreversible it is.

It creates a natural incentive to deny coverage, because, No. 1, if they deny coverage, the chances are the patient won't appeal; No. 2, if they deny coverage and they are reversed 4 days later, there are no consequences. There is absolutely no reason, no financial reason whatsoever, for the insurance company to do anything other than, when in doubt, deny coverage because we can never be held responsible for that decision.

Let me give a couple of very specific examples. A patient with adult onset diabetes has been on insulin, injectable insulin, his entire life. The insurance company—this is a real example, real-life example: The PRESIDING OFFICER. The time yielded to the Senators has expired.

Mr. KENNEDY. I yield 2 more minutes.

Mr. EDWARDS. The insurance company says: You can take oral medication; you don't need insulin. He appeals. During the time the appeal is being considered, 3, 5, 7 days, he has a stroke and goes blind.

Then the independent review says: Of course, he was entitled to keep his insulin. So the insurance company says: All right, we will provide insulin now. We now have a 55-year-old man who has had diabetes: he cannot work anymore; he cannot care for his family. Where does he go? Who is going to help his family? The insurance company cannot be held responsible for what they did, not under this proposal. This language matters. It is critically important, what the language says.

A young boy, Ethan Bedrick, with cerebral palsy, 5 years old, all his doctors say he needs to have physical therapy, every one of them. The insurance company says: No, he doesn't need it. They appeal. The independent reviewer happens to be somebody who has absolutely no experience with children with cerebral palsy. This is a real-life example. So he says: The insurance company is right; we are not going to give this 5-year-old child with cerebral palsy physical therapy.

Where does he go? The independent reviewer, who knows nothing about children with cerebral palsy, has determined: The coverage company has denied coverage, coverage for which his parents have been paying for 20 years. So where does he go? For the rest of his life he has cerebral palsy. He is contracted, bound up, can't get the daily physical therapy he needs, and he has nowhere to go. There is absolutely no remedy for Ethan Bedrick.

I say to my colleagues in the Senate, what happens to this little 5-year-old boy when this happens? He cannot go to court, not under this proposal. He cannot go anywhere. The insurance company has cut him off, and he has been cut off from the care he needs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EDWARDS. I yield the Chair.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There remain 27 minutes to the Senator from Oklahoma, 24 to the Senator from Massachusetts.

Mr. NICKLES. I yield 7 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Carolina is certainly one of the finer trial lawyers who has come to this body in a long time. I simply note, on at least two of his examples I gave today, if it was an emergency-room situation, there could be no denial because under our bill emergency rooms have to be covered; and second, in the instance he just described about the child, which was a compelling instance I thought fortunately he failed to mention in our bill we require that the reviewer be a medical person who has expertise in the discipline and in the area where the person is claiming to have received injury.

I point out, I do think has been made by the Senator from North Carolina, and has been made by a number of other Senators on the other side of the aisle, is that employers will be sued. Employers will be sued under the bill that is being brought forward by the Democratic membership. That is a serious problem.

We put an offer out, an offer to the other side, which was fairly substantial. It may have been two pages, but the other side understood there was a lot of documentation behind it, and in fact there were actually months of negotiation relative to the appeal process behind that offer. In that offer, we said employers cannot be sued. Why? Because when you start suing employers, employers drop out. They start creating uninsured individuals. We have already heard from a number of major employers, and testimony has been given here today by Senators who represent States where major employers have informed them that they are going to drop insurance if they start being sued. We know small employers will do that in droves because they cannot afford the risk of putting their businesses through a lawsuit over medical insurance.

So it is not about suing HMOs; I say to those on the other side of the aisle, this is about opening up lawsuits to everybody, not only against HMOs, which by the way we allow to occur in our bill which was admitted to by the sign that was put up—we allow HMOs to be sued—but, more important, it is about suing employers.

Look at this chart. This chart is a reflection of the various elements of what is essentially the bill the Democratic Party has brought to the floor today. It is so convoluted and so complex that, literally, you would have to spend probably a month just figuring it out, just to figure out what it all means.

That is one of the reasons this conference has taken so long, because we have been trying to sort through all the different complications. I point out, at almost every element in this chart, every one of these white lines, every one of these crossing lines, every
one of these agencies that is being created, every one of these decision processes being placed upon the community, there is a lawsuit waiting to happen under the Republican bill.

This is the attorneys' annuity act. The thing that bar 1 is going to go is to go after the employers; they are the ones who will be at risk. As a result, you will drive many people into an uninsured status because employers will stop running their insurance programs in droves. I mean literally millions of people.

Why would you want to do that? I hate to be cynical about this, but I honestly think, if you look at the process this administration has pursued over the last 8 years, they are trying to continually raise the cost of insurance, health insurance, in this country and make it less and less affordable, so more and more people become uninsured, so at some point they can make an argument which they have already made which they have to nationalize the health care system in order to pick up all the people they have created as uninsured.

It is the old orphan argument. You know, the plaintiffs killed his parents going to court and claims he should receive clemency because he is an orphan.

The fact is, what the Democratic proposal does, and what the result of the administration's proposal to the system, is to create more and more uninsured and then claim: Oh, my goodness, look at all these uninsured. We have to nationalize the system so we can cover them all. In the context of this bill specifically, however, the game plan is to create a whole new activity for the bar association, suing employers left and right.

There is a law firm up in New England which represents Car Talk. They are called Dewey, Cheatum and Howe. Today, they have about three people working for them, according to Click and Clack, the Tappet brothers, who work at Car Talk Plaza. But I will tell you something. If this bill passes, they are going to go up against automobile insurance and they are going to go into suing companies, suing businesses, suing employers who happen to supply health insurance to their people. They are going to add probably 20 or 30 or 40 new attorneys.

So Dewey, Cheatum and Howe is going to just keep on going and going and expanding, because they will have received an annuity under this bill—not an annuity to sue HMOs, because that is not really in contest anymore; we have already put that on the table. It will be an annuity to sue employers. As a result, not only will there be a heck of a lot of lawyers working at Dewey, Cheatum and Howe; there will be a lot more people in this country who have health insurance, and therefore will hear from this administration, from Vice President Gore: My goodness, look at all the uninsured—who were created by this bill we just passed—we will have to nationalize the system. And then we will end up with a system that really doesn't work.

We put on the table some fairly substantive and very good proposals which have come from months of work. I hope the majority party will take the opportunity to politically posture during this period, will take a hard look at them, in the area of scope, the area of access, the area of appeals, and in the area of lawsuits and liability, and that we can get back to the business of negotiating this conference rather than to the politics of this debate.

Mr. President, I yield any time I have remaining back to the Republican leadership.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield to the Senator from North Carolina 1 minute.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. EDWARDS. Mr. President, I say to my colleague who just argued about employers, that is another argument it is so critical we look specifically to the language and not the rhetoric.

Our bill at page 246 specifically exempts employers from any liability unless they intervene in the process of making decisions about claims. Period. If all they do is buy health insurance, which is what 99 percent of certainly small employers do, they cannot be held responsible, period. Now, if they decide they are going to engage in the business of deciding what claims are going to be denied, like General Motors or a big company that runs its own plan, then they ought to be held responsible. The majority of employers cannot be held responsible at all unless they intervene.

Second, Ethan Bedrick, a 5-year-old boy, is a real-life example. His claim was denied by his employer. The majority of employers cannot be held responsible at all unless they intervene.

Mr. President, I am very disappointed it has been described and depicted in the way it has been. I yield any time I have remaining back to the Republican leadership.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield to the Senator from North Dakota 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DORGAN. Mr. President, if this was a dance contest, I say to the majority party that now I have never seen a shuffle like this. We are not stalling, they say, and yet this conference committee has had more than six months to reach an agreement and there has been no movement. Do not take it from me, take it from Dr. Norwood. Dr. Norwood, a physical therapist from the State of Georgia. He says:

It is impossible to take this conference process seriously.

That is from a Republican.

While this Congress fiddles, people die. Yes, they die. Senator Reid and I had a hearing in Nevada. A mother named Susan Roe spoke up at this hearing about her 16-year-old son, Christopher. Christopher is now dead. He died October 12. He had leukemia. Chris's pediatric oncologist recommended that he receive a bone marrow transplant, his only hope for long-term survival. But before Chris could receive a bone marrow transplant, his cancer needed to go into remission. Dr. Norwood felt that the only drug available that would help him achieve remission was a Phase III investigational drug known as B43-PAP. However, this treatment he needed for a chance at life was denied him.

At the hearing, Susan held up Christopher's picture and told us, through tears, how, as her son lay gravely ill, she looked at her and said: Mom, I just don't understand how they could do this to a kid.

All the people die while this Congress fiddles. This debate is about whether there should be a Patients' Bill of Rights. This amendment says, among other things, that every patient has a right to know all of their medical options, not just the cheapest. If you need to go to an emergency room for care, you have a right to get it.

If you stand with patients, you will support this amendment. This legislation ought to have been passed last year, but the fact is, it is locked in conference. There is a giant stall going on. The only difference between this conference and a glacier is that a glacier at least moves an inch or two a year. The Senator from South Dakota and the Senator from Massachusetts and others have every right and responsibility to bring this proposal to the floor of the Senate because we insist that this Congress take seriously the need to pass a Patients' Bill of Rights.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to the Senator from Arkansas 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, as a member of the Armed Services Committee, I am deeply concerned that this non-germane amendment is being offered on this very important bill. As a member of the conference committee, I am very disappointed it has been described and depicted in the way it has by the Democrats today.

I have never seen a group of my colleagues work as hard as the members of this conference committee have for the last few months. Over 400 hours have been logged by staff and members in negotiations trying to negotiate very tough and very difficult issues. These are tough issues, and there are big differences between the House and the Senate. There has been enormous
movement, and most of the movement has been on behalf of Republican Senators who have made compromises and concessions to move this bill forward. There has been no stall. One does not stall a bill by spending the kind of time and energy we have seen expended on this bill.

In reference to the Kennedy amendment that has been offered today, we spent a week debating this issue. One of the biggest problems I see with the Kennedy bill is that all of the access provisions have been removed. Even the access provisions we saw in the Dingell-Norwood bill have been removed. There are none of the means by which more people can get insurance.

The only access left in this bill is access to the lawyer, and there is plenty of access to access to lawsuits. That is the real purpose of why we have seen this brought forward, to provide a whole new realm of litigation for trial lawyers.

I want to give one particular example, a company in my State. I do not mention it particularly because it is from my State, but it happens to be the largest employer in America, and that is the Wal-Mart Corporation. It sounds good: Let's sue Wal-Mart, big, that is the Wal-Mart Corporation. It is the largest employer in America, and it happens to be from my State, but it happens to be.

Let's put it in practical terms. They have 900,000 employees in the United States. Forty percent of them chose voluntarily to go under the Wal-Mart health plan. There are about 10 percent in HMOs and many are insured by their spouses who are employed in other places.

Those 40 percent represent 700,000 Americans in this one company who receive their health care through Wal-Mart. The 10 percent who are in HMOs pay three to four times more in premiums. It costs three to four times more than those who are under the Wal-Mart plan.

Recently, they surveyed all the employees in the Wal-Mart plan. Ninety-five percent expressed satisfaction, but more significant, not one of them mentioned they wished they had a right to sue their employer. Not one of them.

We have all the protections that are in the Patients' Bill of Rights. But I believe it is critical that we pass meaningful, bipartisan legislation this year. They did it in the House, and they showed it can be done in a bipartisan fashion.

Mr. President, 160 million of our family members, friends, neighbors, and children are paying good money for health care with no guarantee of proper and appropriate treatment. We all know too many stories about patients who cannot see the specialists they need, patients who could not get the coverage for the type of care they thought was covered under their plan.

There is a very simple: Insurance either fulfills its promises or it doesn't. We are hearing enough to know in too many cases it does not. Employers and patients pay good money for health care coverage, only to find that the expense and poor coverage evaporates at the time they need it.

Mr. President, 103 million of our family members, friends, neighbors, and children are paying good money for health care with no guarantee of proper and appropriate treatment.

As I said, we are spinning our wheels. Slowly, over time, I have come to the reluctant conclusion that our Republican Senate colleagues are not serious. They do not truly want a Patients' Bill of Rights. But I believe it is critical that we pass meaningful, bipartisan legislation this year. They did it in the House, and they showed it can be done in a bipartisan fashion.

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Mr. President, the amendment before us, passed on a bipartisan vote in the House. It is commonsense patient protections by which the managed care plans must abide. Over 300 organizations representing patients, consumers, doctors, nurses, women, children, people with disabilities, and small businesses support the Norwood-Dingell bill.

Unfortunately, I cannot help but think that if Members of Congress—Senators sitting right here in this room today—were in the same health care boat as the average American family, this bill not only would have been made law, it would have been made law years ago.

We have all the protections that are in the Patients' Bill of Rights. It is good enough for us, but it is not good enough for the American people, according to my friends on the other side of the aisle.

The Senate majority pretends their bill offers real protections. But when you read everything below the title, the bill offered by the Senate Republicans sounds more like an "Insurers' Bill of Rights" than a Patients' Bill of Rights.

It is my hope that this amendment will spur our colleagues on the other
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side of the aisle to renew their commitment to this conference committee and to do it in a bipartisan fashion. Spinning your wheels for 400 hours is not getting the job done.

The PRESIDING OFFICER. The Senator from Ohio?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to inform my colleague, he is incorrect. He said, if we gave every other employee what the Federal employees have, Federal employees cannot give their employer. Federal employees don't have a right to appeal. Federal employees, if they appeal, they appeal to the OMB, their employer. Federal employees, including Senators, do not have the right to sue. You cannot sue.

To say, if we just give everybody else what we have, is factually incorrect.

When my colleague said we have had all these meetings and we only agreed to two things, one of the reasons people say the conference did not go anywhere is that we agreed on the Dingell bill. They say we negotiated with Congressman Dingell. We negotiated it. We negotiated with the hospital to receive their patient. We have agreed.

Mr. NICKLES. We have not quite got around to that.

Mr. HATCH. Mr. President, I want to make it perfectly clear that I strongly support health care reform legislation years ago. Guess what. More and more Americans have lost their insurance coverage. We can do something now—limited, purposeful, appropriate—make sure that HMOs are not making their patients, not objectives of economic profit on their balance sheet. We can do it. We should do it.

Today should not be Groundhog Day. It should be D-Day. We should seize the initiative and pass this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield 4 minutes to the Senator from Utah.

Mr. HATCH. Mr. President, first, I want to make it perfectly clear that I want to support health care reform legislation years ago. I was an original co-sponsor of S. 300, the Patients' Bill of Rights Plus Act of 1999 and voted in favor of S. 326, the Patients' Bill of Rights which was approved by the Senate last July.

The House-Senate conference committee is currently working out the differences between the managed care bills passed by the House and the Senate. I believe this conference committee is making significant progress.

I have heard stories today about the managed care system. I was an original co-sponsor of S. 300, the Patients' Bill of Rights Plus Act of 1999 and voted in favor of S. 326, the Patients' Bill of Rights which was approved by the Senate last July.

The House-Senate conference committee is currently working out the differences between the managed care bills passed by the House and the Senate. I believe this conference committee is making significant progress.

We have all heard stories today about lawyers and stories about HMOs. Let me tell you a story about one child. It is a story I heard down in Atlanta with Senator MAX CLELAND. Lamona Adams, the mother of James Adams, was concerned about her child. He had a fever. He was ill. She did what she was told to do by her HMO; that is, to call up and get advice over the phone about what she should do. She desperately pleaded for help for her child.

She was told to go 42 miles to a hospital because the HMO had a contract with the hospital to receive their patients. While driving 42 miles to a hospital on the other side of Atlanta, an area she didn't know anything about, the child became so ill that the father just saw a sign that said "hospital," went there, and they treated the child. They saved the child's life. However, they could not save the child's hands. They were amputated. That is what HMOs have done in too many cases in this country.

We have the power to stop the practices. We have the power to do it today. We should do it today, on behalf of not just James Adams but so many children throughout this country.

The fact that we have delayed action on this issue, I think, is inexcusable. Now we have to act. In a way, this whole episode is like a popular film a few years ago called "Groundhog Day," where every day the character woke up, and it was the same day over and over again. It is not only the same day this year but, as I look at some of the charts on the Senate floor, it seems to be the same day 6 years ago. The same arguments were trotted out about health care reform 6 years ago, as were the same dire predictions about more and more Americans losing their insurance coverage. We can do something now—limited, purposeful, appropriate—make sure that HMOs are not making their patients, not objectives of economic profit on their balance sheet. We can do it. We should do it.

Today should not be Groundhog Day. It should be D-Day. We should seize the initiative and pass this legislation.

The PRESIDING OFFICER. Who yields time?
plan. And let me assure you that these stories are deeply troubling to me—that’s why Congress is addressing this important issue. We are listening to our constituents and we are taking action.

There is one point where all of us agree—people deserve to receive the best care possible when they are sick. I believe that when the conference committee has completed its work, this important goal will become a reality. None of us think that someone should be turned away from medical treatment because his health plan won’t cover it. Our legislation provides patients the ability to appeal these types of decisions, quickly, by offering both internal and external appeals processes. It is my hope that by providing these options, people will receive quality health care, in a timely fashion, when they need it the most.

All of us in this chamber know very well that there are numerous competing bills that have been introduced over the years that provide a variety of legislatively remedies to address this issue. In many respects, these bills have common components intertwined with similar language or in some cases, identical provisions. Approximately 47 bills were introduced in the Senate and the House last year to provide patient protections to managed care enrollees.

So let us be clear that we all are concerned about this issue—all we want patients to receive the best care possible.

However, for Congress to pass responsibly managed care legislation, we must come together and put forth the best bill for the American people. We have done this many times before on health care legislation, and there is no reason why we cannot do this again.

The Senator from Massachusetts is trying to do this process. I have offered an amendment that flies in the face of every effort we have made to achieve that consensus.

There can be nothing more to this amendment than public relations value, since it surely will not pass in the Senate. We have spent hours and hours and hours on the Senate floor, in conference, and in the back rooms of the Capitol on this legislation.

The Senator knows well why the Dingell-Norwood approach will not pass. He knows it is likely to cause health insurance premiums to rise and, as a direct result, cause employers to drop their health plans. He knows this will be a direct result, cause employers to drop their health plans. He knows that this is our concern about this issue. And, he knows that this is our concern about this issue.

I remain hopeful that, in the end, we will reach consensus on this bill. I commend the fine work of Senator NICKLES for his fine work and leadership as chairman of the House-Senate conference committee and urge my colleagues to support the conferences and let them continue their work.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Who yields time?

Mr. KENNEDY. How much time do I have?
of people in this country would like to see us achieve.

In the next 15 minutes we will have a chance to do it. I hope some brave souls on the other side will join us and make a record of this Congress, something all of us can be proud of for years to come.

I yield back to the distinguished Senator from Massachusetts whatever time remains.

Mr. NICKLES. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Oklahoma has 9 minutes. The Senator from Massachusetts has 8 minutes.

Mr. NICKLES. I yield to the Senator from Tennessee for 3 minutes.

Mr. FRIST. Mr. President, over the last hour and a half, we have been talking about the issue of the Patients' Bill of Rights. It comes down to a question of should we allow the normal course of events to proceed in the House of Representatives to continue—the conference report, which is our challenge. It is a challenge because we are taking a 250-page bill passed in the Senate and merging it with a 250-page bill passed in the House of Representatives on this issue. This will affect the quality of care of millions of people. Our challenge is to allow that process to continue.

How much progress has been made? Clearly, from the other side of the aisle, there has been no progress made over the last hour and a half to say that progress is not being made, that there is a stalemate, that we won't see a bill. In 1 minute, let me review what has happened.

On July 15, the Senate passed a bill. The amendment being proposed today is looking backward because that is the very bill we defeated last year on this floor for very good reasons, and it will be defeated again today. On October 6, the House of Representatives passed a Patients' Bill of Rights which included some very important access provisions. Conferences were named and we have addressed it as conferences, and we essentially have agreement on many of the issues we have talked about. That is progress.

Access to emergency care: If you are injured, you can go to the closest emergency room.

Direct access to a pediatrician: If you have a child, they have a right to have access to someone who specializes in that care. That has been agreed to. That is progress.

Direct access to specialists: An example was given about a pediatric cardiologist, or a cardiac surgeon. You will have access to the specialists that has been agreed to.

Continued care from a physician: In the event there is a pregnancy and there is a loss of your insurance plan, you can continue with that physician through your pregnancy, or with a terminal illness.

Direct access to obstetricians and gynecologists.

That is true progress. A Democratic offer was made to the Republican conference on May 23. That is progress—the fact that the proposal has been made. I should say that very few concessions were made from the original bill. That is progress, though. A Republican response to our Republican proposal on June 4. That is progress. Again, as has been pointed out, a number of concessions, trying to pull those two bills together, have been made. Again, that is progress.

The sponsors of the amendment today again are taking a bill that was introduced 6 or 7 months ago, debated on the floor, and they are looking backward. That bill has been debated and defeated in this body after careful deliberation. We are looking forward with the progress that we have put out. I urge defeat of the proposed amendment so the conference can continue with the underlying business.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, as I understand it, we have 7 or 8 minutes left. Usually, the proponents have the opportunity to do the final summation. I wonder if my friend and colleague from Ohio will let me try to give it to you as succinctly as I can.

I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the question be postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, this has been a long debate and, I think, a good debate. It has proven once again that this is an election year. I am not going to insult everybody's intelligence by trying to figure out what this is all about. Do you believe in bureaucrats, or do you believe in freedom? What we want to do is give people control over their health care, such as medical savings accounts, so if they don't like the way the HMO is treating them, they don't go see a lawyer, or a bureaucrat, or they don't see Senator KENNEDY; they simply call up their HMO and say: Are you a member of our HMO? My baby is sick and needs care. Will you see him? They simply say: Will you take a check? Do you take MasterCard or Visa?" If they do, they are in.

In reality, that is what this debate is about. Do you believe in bureaucrats, or do you believe in freedom?

Senator KENNEDY, in all his heart, believes—and he is sincere, and I admire him for it—that having a lawyer there and having a bureaucrat in there improves the system.

He supported a health care bill where if a doctor provided you health care that an advisory panel appointed by the government did, they could be fined $50,000. He supported the Clinton bill where if your baby is sick and the Government said this child doesn't need treatment, and you said to the doctor, treat my child and I will pay for it, if the doctor took the money he could be sent to prison for 15 years. That is what their alternative was.

What we want to do is give people freedom. One of the freedoms under our bill is to say to your HMO: You are fired.

If you think having a lawyer and a bureaucrat is good, then you are for Senator KENNEDY. But if you believe in freedom and what is right for you and your family, what we are trying to do is the right way to go.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my good friend from Texas—he is my good friend—talks about freedom. He has put his finger on an issue. He wants to
give freedom to the HMOs and not pro-
vide the important services to patients.
That is his kind of freedom.
I always enjoy listening to the Sen-
ator from Texas. I remember listening
to him in 1993 when we had President
Clinton's economic bill. I remember a Sen-
ator from Texas, I remember—someone
can correct me—said: If we pass Presi-
dent Clinton's economic bill, we are
going to have unemployment all around
the nation, all around the na-	ion. If we pass President Clinton's bill,
we are going to have interest rates
right up through the top of the roof.
We heard that speech. PHIL GRAMM
was wrong then, and he is wrong to-
night.
This issue is very basic and funda-
mental. It is an important one. This
bill should have passed and become law
in the last Congress. The first HMO bill
to make sure that patients' rights were
going to be protected was in 1997. It
took us 2 years to get this legislation
out of committee. It took months of
delay to get it before the Senate. It
was passed almost a year ago. We still
have not been able to have an agree-
ment that will protect patients.
That is what is at issue, when you
come right down to it. As much as PHIL
GRAMM might like to say it, it isn't
just Senator KENNEDY saying it. It is
the fact that 300 organizations—rep-
resenting the doctors and nurses in
this country and every other health
and medical group—support our posi-
tion today. Two Republican leaders
on this issue in the House of Represen-
atives stood before their constituency
earlier today and said that they be-
lieved we ought to take this action this
afternoon.

I ask my friends from Oklahoma and
Texas: What particular rights don't
you want to provide to the American
people who are included in our Pa-

tients' Bill of Rights?
What about the ability to hold plans
accountable? Is that unacceptable?

What about making sure that chil-
dren get specialists? Is that unaccept-
able?
What about having clinical trials? Is
that unacceptable?

What about guaranteeing women ac-
cess to an OB/GYN? Is that unaccept-
able?

What about having the right to get
prescription drugs? Is that unaccept-
able?

What about prohibiting gag rules? Is
that unacceptable?

What about independent external ap-
peals? Is that unacceptable?

When you cut through the rhetoric—
and we welcome the opportunity to cut
through the rhetoric—you tell us that
you are going to vote against this this
afternoon. You spell out for us those
agreements made in conference. We
challenge you to lay out on the floor of
the Senate the afternoon these par-

tial agreements that were made. The last
agreement that was made was in March
of this year. That was the last one in
open session. We want to know what

kind of protections you are not pre-
pared to give the American people. We
stand to protect the consumers, pro-
tect the patients, protect the children,
protect the women, and protect the dis-
abled in this country. That is what this
is all about.
In the movie "As Good As It Gets" last
year, that wonderful picture for
which Helen Hunt won the Oscar, there
was a wonderful scene that everyone
remembers. Helen Hunt starred as a
mother whose child was not being pro-
vided proper care by her HMO. And
every parent across this Nation
laughed as they commiserated and said
that the way it is.

The consumers of America under-
stand what is going on here. The ques-
tion is whether the Senate of the
United States is going to understand.
We have an opportunity to do some-
thing about it. I hope the Senate will
vote for the Daschle amendment.

I withhold the remainder of my time.
Mr. GRASSLEY, Mr. President, I op-
pose Senator KENNEDY's amendment.
Introducing this amendment at this
time is a clear statement that Demo-
cratic leaders want an election issue,
not a Patients' Bill of Rights. It is a
cynical ploy, made in bad faith, and
they ought to be ashamed of them-


t"
While I appreciate the important contributions of managed care, we must protect the rights of patients in our nation's health care system. Too many Americans feel trapped in a system which does not put their health care first. This is wrong, because HMOs value a paper dollar more than they do a human life. It is time for us to finally help these fine Americans and begin working together to get safe, quality health care for Americans.

As you know, last summer I reluctantly voted for the Senate version of the Patients Bill of Rights. At that time I made it known that my vote for passage was contingent on a strong conference agreement which placed a higher standard for protecting the needs of patients than those contained in the Senate bill. I supported the Senate bill because it was important to move forward and send legislation for strengthening in conference with the House. It was my strong hope that the House would pass stronger, more reasonable health care reform similar to the Norwood/Dingell legislation that honestly puts the needs of patients first. Then we could work together for a practical and fair compromise during conference.

Mr. President, I am voting today in support of the proposed Norwood/Dingell amendment before the Senate because I share the frustration of millions of Americans who are waiting for the conference to begin making substantial efforts towards reaching a viable agreement providing patient protections that are good for all Americans and also place common sense limits on excessive non-economic damages awards and ban punitive judge-ments which does not encourage frivolous lawsuits but will pass them on the floor.

Mr. KENNEDY. Mr. President, could I ask the Senator a question on my time?

Mr. REID. The PRESIDING OFFICER. Is there a sufficient second?

Mr. NICKLES. Mr. President, I yield whatever time is going to be yielded. I am prepared to yield to the Senator at any time.

Mr. KENNEDY. Mr. President, I ask the Senators FRIST, GRAMM, HUTCHINSON, ENZI, GREGG, and J EFFORDS for serving on this conference committee, and also Senator Collins who worked with us on the task force. I also very much appreciate the work that they have done today on the floor.

If we don't table the Kennedy amendment, there will be millions of people who will be without health insurance. That is because it will dramatically increase the price of health care. There are results from actions. If we act to open up all health care plans and all employers to unlimited liability with punitive damages and class action lawsuits, we are going to have a lot of people dropping health care plans.

Those are just the facts.

The GAO says there is going to be a 4, 5, or 6 percent increase on top of the 10 or 12 percent that is already occurring. A lot of people can't afford it. They will drop their health care—plus the fact that the Norwood-Dingell bill, and the Kennedy bill they are trying to pass right now, have unlimited punitive damages.

I have letters from Ford, Wal-Mart, from IBM, big companies with some of the best health care plans in America, saying they will cut benefits or reduce the benefits to individuals, maybe even drop coverage, if we pass that bill. We should do it. We shouldn't do things that will cause harm. We should not pass legislation that will increase costs. We should not pass legislation that will increase the number of uninsured by 2, 3, or 4 million. That will be a serious mistake.

We should give the legislative process a chance to work. It is not working by saying we will pass the House bill.

I move to table the Kennedy-Daschle amendment, and I ask for the yeas and nays. The The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the motion to table the amendment No. 3273.

The clerk will call the roll.

Mr. REID. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

The result was announced—yeas 51, nays 48, as follows:

[Roll Call Vote No. 121 Leg.]

YEAS—51

Abraham  Brownback
Allard  Burning
Ashcroft  Campbel
Bennett  Crapo
Bond  DeWine

Collins  Coverdell
Craig

NAYS—48

Collins  Brownback
Allard  Burns
Ashcroft  Campbel
Bennett  Crapo
Bond  DeWine

Mr. KENNEDY. I am prepared to yield whatever time is going to be yielded. I am prepared to yield. If Senators reserve some time to speak, I will reserve time.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has approximately 1 minute.

Mr. NICKLES. Mr. President, I thank Senators FRIST, GRAMM, HUTCHINSON, ENZI, GREGG, and J EFFORDS for serving on this conference committee, and also Senator Collins who worked with us on the task force. I also very much appreciate the work that they have done today on the floor.

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Those are just the facts.
The motion was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that there be 4 minutes of debate equally divided prior to the second vote in the series.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3214

Mr. LOTT. Mr. President, I call to my colleagues' attention the fact that the McCain amendment will be a killer amendment to this Defense authorization bill. It will be blue-slipped. I have discussed this with Chairman Archer. He assured me, after reviewing the amendment I had written, that he will have no choice but to blue-slip it. I also discussed it with Senator MOYNIHAN from New York. He has concerns about the constitutionality of this revenue amendment being added to the Defense authorization bill.

I want to make that perfectly clear and add to that, this compounds our problem. We are dealing with a very important bill, the Defense authorization bill. We are talking about national security. We need to find a way to come to a conclusion. We have 11 appropriations bills remaining, and we have to find time to act on the China PNT R and other issues.

If we continue to work in good faith trying to find a way to get votes on amendments and complete the Defense authorization bill and then we face, on top of everything else, a blue-slip problem in the House, we have done ourselves damage.

I think, disclosure is the way to go. I have been quoted to that effect. I still think that is the way to go. There is a bill that has been drafted, I understand after talking with a number of Senators, including the chairman of the Finance Committee and others, that would achieve this goal and, in fact, would be a broader bill in its application.

As this is drawn, I understand it would be by a number of groups, including the trial lawyers, Sierra Club, and others. We ought to make sure it is broad and applies to everybody. We ought to have full disclosure, and do it so it is not a technical problem on a bill such as the Defense authorization bill.

I urge my colleagues to think about this very carefully and support the Warner point of order that will be made with regard to the blue-slip problem. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. MCCAIN. Mr. President, the Senator from Wisconsin has 1 minute.

Mr. FEINGOLD. Mr. President, very simply, this is a vote on campaign finance reform. The question is whether this body will take the opportunity, offered by this amendment, to shine some sunlight on the secret money that these 527 organizations are pouring into our elections.

Here it is on this chart, in black and white, from the web site of one of these groups. The contributions can be given in unlimited amounts. They can be from any source. And they are not political contributions and are not a matter of public record.

All this amendment does is make it a matter of public record. The American people have a right to demand this information from any organization that is given tax exemption.

The blue-slip argument is a figleaf. It is an excuse made up for those who oppose reform but have said they support disclosure.

I urge my colleagues to vote against the point of order and for the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, just to repeat, this amendment would mandate disclosure of all contributors to, and expenditures by, 527 organizations—a new phenomenon in American politics, with unlimited amounts of money from any source. China, the Mafia, and drug dealers can be part of our political campaign, and we will never know who they are.

It affects both parties and all ideologies. For the benefit of my friends on this side of the aisle, it was the Sierra Club that first began the 527 new gimmick example of corruption in American politics.

It will not harm the defense bill. If the defense bill is blue-slipped, I will be the first to say that bill, when it comes back, should have no amendments on it, and I would work as hard as I can to get it done.

Please, do not believe that the defense bill would be harmed or blue-slippered. The fact is, every Member on both sides of the aisle of this body has said they are for full disclosure. Now we are going to find out whether we are for disclosure or we will continue to allow the corruption of American politics.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to make a constitutional point of order.

I raise a point of order that the pending MCCAIN amendment violates the U.S. Constitution in that it is clearly a revenue-raising measure that is initiating in the Senate, not the House of Representatives, as provided for in our Constitution.

The PRESIDING OFFICER. The question before the Senate is, Is the point of order well taken?

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 57, as follows:

YEA S—42

Abraham Edwards Lieberman

Allard Frist Moynihan

Ashcroft Gorton Murenowski

Baucus Bennett Nickles

Baucus Gramm Roberts

Baucus Gravely Roth

Biden Harkin Roberts

Biden Hollings Reed

Bingaman Inouye Reed

Boxer Hutchinson Smith

Breaux Johnson Smith (NH)

Byrd Kennedy Specter

Chafee, L. Kerrey Rockefeller

Cleland Kerry Sarbanes

Daschle Kohl Schumer

Dodd Landrieu Specter

Dorgan Lautenberg Torricelli

Durbin Leahy Wollens

Edwards Levin Wyden

NOT VOTING—1

Conrad

The PRESIDING OFFICER. The point of order is not well taken.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3214) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.
Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, before I move to proceed to the DOD appropriations bill, let me say that we have a problem now with this amendment, the way the language is written, in terms of a blue slip, if and when it gets to the House of Representatives.

I have discussed this with Senator DASCHEL and Senator MCCAIN and others who are concerned about the underlying Defense authorization bill and those who are concerned about the disclosure amendment.

During the period of time that we are going to be working on the DOD appropriations bill, we will work to see if we can come up with some sort of agreement or some sort of procedure that would get this amendment off of the Defense authorization bill and onto some other bill—perhaps some revenue bill that we will have before us; perhaps even the repeal of the telephone tax that the House has acted on; and also give us an opportunity to work with Senator MCCAIN and others to see if we can broaden the application.

But before I need to go ahead and proceed with the DOD appropriations bill, we will work together to see if we can find a way to resolve this issue.

Does the Senator from Arizona have any comments?

Mr. MCCAIN. Mr. President, I thank the majority leader for pursuing this issue. I would like to broaden it as well. I think it is a fair agreement. I would like to try to move forward, meanwhile, having adopted this amendment, and the President to sign the bill.

I thank the majority leader and the Democratic leader.

Mr. ASHCROFT. Mr. President, I rise today to speak on behalf of this year's National Defense Authorization Act. Senator WARNER and Senator LEVIN, along with the entire committee, have my deepest thanks for their tremendous work with respect to this country's national defense. Their hard work and dedication on behalf of our service men and women is evident throughout the entire Act. Senator WARNER, in particular, has been instrumental in bringing to the floor a bill that provides our country with the national defense it desperately needs and deserves.

To the Committee's credit, this Act continues the trend, begun with last year's Authorization Bill, of providing a real increase in the authorized level of defense spending. The Committee has once again recognized that people are the most important aspect of our military and our troops must be treated accordingly. This Act authorizes, among other things, a well-deserved 3.7 percent pay raise for military personnel, important quality of life provisions, and several important health care concerns to ensure our active-duty and retired personnel have the medical care they justly deserve.

Mr. President, although people make our military the best in the world, our troops must have the superior equipment to ensure continued success in every conflict. We must not send our sons and daughters into war without the right tools for victory. To this end, I would like to thank Senator WARNER specifically for his support of a very important project—the extended-range conventional air-launched cruise missile project (CALCM-ER). In addition to Senator WARNER, I would also like to thank Senator CONRAD, Senator LANDRIEU, and Senator BREAUX for their work in support of this important project, in the Defense Authorization Act.

The Conventional Air-Launched Cruise Missile, or CALCM, is a converted nuclear cruise missile that is launched from a B-52. This invaluable weapon is the Air Force's only conventional air-launched, long-range, all-weather precision weapon. Fired more than 500 miles beyond its target, this missile can strike strategic targets deep inside enemy territory without significant risk to our pilots or planes.

General Mike Ryan, the Air Force Chief of Staff, praised the CALCM's invaluable capabilities when he said in a written statement dated February 10, 2000 that "CALCM continues to be the Commander in Chief's first strike weapon of choice during contingency operations, demonstrated by its superb performance during Operations Desert Fox and Allied Force."

Due to the weapon's great performance and subsequent heavy demand, the number of CALCMs in the Air Force inventory dwindled to below 70 last year. Through continued conversion of the nuclear cruise missiles, the current number is around 200, but the Air Force has concluded that this is simply not enough to meet our military needs. To the limited number of convertible nuclear cruise missiles, the Air Force needed to search out additional avenues of creating an extended range cruise missile with similar capabilities of the CALCM.

Mr. President, the Air Force has identified a suitable solution. In a study commissioned in last year's Defense Authorization bill to deal with this problem, a commission concluded that, and I quote, "Of specific interest to the Air Force is the need for an extended range cruise missile in the midterm that would be a modification to an existing cruise missile in the inventory. This option meets the Air Force's two-fold requirement of increasing the inventory of cruise missiles as quickly as possible and providing an extended range missile capability to protect our aging bomber force from current and mid-term threats while long range cruise missile requirements are studied."

In order to see these conclusions become a reality, I, together with Senators BOND, CONRAD, LANDRIEU, and BREAUX, have worked to see the addition of $86.1 million in the Air Force's Research and Development account for the extended range conventional air-launched cruise missile program. The Armed Services Committee has graciously agreed understanding the Air Force's need of the Extended Range Cruise Missile and has worked with me to provide appropriations for this program. I want to offer him a personal thanks for his support of this vital program. I truly appreciate his efforts.

However, I have been informed that in order to start the process and see these important weapons are in the hands of our troops, additional funds will be needed. In order to rectify this situation, I plan on amending the appropriations bill to increase the available funds for the Extended Range Cruise Missile program by $23 million so that work can begin on the new cruise missile. This will bring the total amount to $43 million, which is half of the authorized amount and enough to start development on this important missile.

Mr. President, again I want to thank Senator WARNER and Senator STEVENS for their continued and tireless service to our nation's defense.

Mr. DODD. Will the majority yield?

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to H.R. 4578, the House DOD appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Will the majority yield?

Is there a pending amendment on the DOD authorization bill?

The PRESIDING OFFICER. There is a pending amendment offered by Senator SMITH.

Mr. LOTT. That is the first-degree amendment that was amended with the second-degree amendment. But then I believe after that would be the Dodd amendment.

Mr. DODD. I wish it were a Dodd amendment. I was curious about Senator WARNER's amendment. That is what I was curious about.

Mr. WARNER. Mr. President, I thank the Senator. We have that Warner-Dodd amendment on the Cuban commission at the desk. Had we remained on this bill, it would be my intention to ask that it be the pending issue. That is now moot.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent that we amend it to allow the Warner amendment to be the next amendment to be considered following the Smith amendment.
Our committee, consistent with the Defense authorization bill as presented to the Senate, adds funds for several missile defense programs. Mr. President, $1.193 billion is added for the national missile defense research and development program, $29.4 million for the air and missile defense missile defense program, $50 million for the Navy theaterwide missile defense efforts.

This is the crossroads year for missile defense. These funds are consistent with the recommendations and priorities of the Senate Armed Services Committee, which manages this program, for the fiscal year 2001.

A new initiative recommended in this bill is to transfer funding for the C-17 program to a new national defense airlift fund.

Several years ago, funding for sealift acquisition was transferred to a central account. Airlift is a key strategic capability. The need for that is shared by all military services. Funding for airlift should not be borne solely by the Air Force. It makes sense for sealift is also not now borne by the Navy.

Full funding is provided in this new account for 12 C-17 aircraft requested for 2001, and the advance procurement and interim contract logistics support submitted in the budget.

The bill presented by the subcommittee includes report language that directs the Department to proceed with the current acquisition strategy to select a single design based upon the flight test program.

The Joint Strike Fighter might be the single most important defense program this committee will consider in the next 10 years. We must get this one right. Industrial base concerns should only be addressed after we are sure we have selected the best aircraft at the best cost for the mission and not before we even select the winner of the competition.

When the committee met to report the bill, several Members raised with me the subcommittee's recommendation to defer full funding on the two LPD-17 class vessels requested in the budget.

The bill before us includes $200 million in advance appropriations for the two ships originally planned for fiscal year 2001. Also, it includes $205 million to pay for cost overruns incurred on the first four ships.

I want to restate, as I have in both the Senate and House, in the past week, my personal commitment to the LPD-17 program. The focus of the adjustment we recommend is to get the program back on track with a stable design and address prior year problems.

The funds provided are intended to assure that there will be no interruption in the work at the two shipyards and no additional delay in construction or delivery of the ships.

At the markup, language was added by Senator Snowe to permit the Navy to sign contracts for both ships using the funds appropriated by this bill. We have approved that recommendation. So there is no reason to say this bill in any way slows up the process of procuring these new ships.

Finally, the recommendation provides $137 million for the new medical benefits included in the Senate-reported defense authorization bill. These efforts provide a new pharmacy benefit for military retirees. They are fully consistent with the objectives outlined by General Shelton, Chairman of the Joint Chiefs, in his testimony before our committee.

The new medical benefit package adopted during consideration of the defense bill does not require additional discretionary appropriations for the fiscal year 2001.

It is our intention to work closely with the authorizing committees and with the Department of Defense to ensure that any new benefits are fully funded in the years to come. If a commitment is made under our watch, it is going to be kept.

The improvements will come at considerable cost and will be an important element of future defense budget planning. This is really what the Senator from Nebraska was talking about, the oncoming important costs we must face. The definition of those costs is the problem so far.

Urging all of our colleagues to look at this bill as a whole. It is packaged together. It really is a bill we have worked on. I do commend our staffs, our joint staffs, under Steve Cortese, who is with me, and Charlie Houy is with Senator Inouye.

This bill once again is a bill that I think, as I said in the beginning, will meet our needs with the funds that are available this year. The allocation for defense is roughly $1 billion less than the amount made available by the Senate version of the defense authorization bill. It is about $1 billion below the allocation for the House-passed bill now before the Senate.

Some of these issues have to be sorted out in conference with the House. I ask the patience of the Senate as we work to get the best possible package to the conference.

The committee has closely followed the Senate's actions on the defense authorization bill so far this week. We intend to offer a managers' package of conforming amendments during consideration of this bill to accommodate the Senate's action on the bill.

To that concern, I ask all Members of the Senate, if you have amendments to offer, please notify Senator Inouye or me as soon as possible. We can probably find a way to work out many of these here, and we will be able to do so because our bill closely tracks the defense authorization bill. It tracks the priorities outlined by the military chiefs in their
testimony before the committee, and it certainly tracks fully our understanding of the House version that was passed by the other body just recently. Mr. President, I now recognize our distinguished ranking member, the Senator from Hawaii, and once again call to the attention of the Senate the great honor that will come to him in just a few days; that is, the honor of receiving his Medal of Honor which he should have received a long time ago. It is a privilege to serve with my friend from Hawaii. I would also like to yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. May I first thank my chairman for his most generous remarks. Mr. President, I begin by congratulating Chairman STEVENS for the superb manner in which he has guided this bill through the committees to the floor. I wish to associate myself with the remarks of my dear friend and chairman of the committee, Senator STEVENS. I suggest to my colleagues that this is a good measure, worthy of support by all of us. I join my chairman in requesting that our colleagues submit their amendments in a timely fashion. I note that this measure—a measure that includes $241.5 billion; the largest ever considered by this Senate—was unanimously approved by the Committee on Appropriations by a vote of 28-0.

It will do a great deal for both our readiness and modernization requirements to protect our nation’s security. Highlights include:

For our military personnel and their families: It provides full funding for military pay including a 3.7 percent pay raise; an increase of $153 million for military bonuses to improve recruiting and retention; and increases for the GI bill for Reservists.

The subcommittee has fully funded readiness programs, including: $4.1 billion to support our peacekeepers overseas; an increase of $183 million for our National Guard; and a total increase of $4.5 billion for readiness from the levels provided in FY 2000.

Full funding is also recommended for the new prescription drug benefit as authorized; and $275 million is recommended for military bonuses to improve retention of our military personnel.

Mr. President, this amendment pertains to Department of Defense (DOD) disbursements. It requires DOD to match certain disbursements with obligations prior to payment. This policy has been incorporated in the last six appropriations acts: Fiscal years 1995, 1996, 1997, 1998, 1999, and 2000.

Each year we have ratcheted down the threshold. The threshold is the dollar amount of the disbursement that must be matched with its corresponding obligation. We started at the $5 million level. Under current law, the threshold is now set at 500,000.00 dollars. In 1999, the Senate voted to lower the threshold from $1 million to the current level.

This policy, as the DOD Inspector General and the General Accounting Office have repeatedly stated that policy is a good idea. It is helping the department to control the flow of money. It is an important internal control procedure. It is a first-line of defense against fraudulent payments. If a corresponding obligation cannot be identified, the payment cannot be made. It is as simple as that.

Second, it is helping the department avoid “problem disbursements” or unmatched disbursements. A few years ago, the department had unmatched disbursements totaling about 50 billion dollars. This situation created gaping holes in DOD’s books of account. And these gaping holes in the books of account are one big reason why DOD consistently fails to earn a “clean” opinion in the annual CFO audits.

Those are the audits required by the Chief Financial Officers Act. And third, it is helping the department avoid overobligations, that is, making payments in excess of available funding.

This year I am recommending that the threshold be retained at the current level of 500,000.00 dollars. The General Accounting Office needs to do more audit follow-up work before the threshold is lowered any further. I thank the chairman and the ranking minority member for supporting this policy and urge my colleagues to vote for the amendment.

I should ask the chairman of the committee if he wants to order a rollcall at this point because it is my understanding he wanted a rolcall vote on it.

Mr. STEVENS. Mr. President, if the Senator will yield, that is our intent. I want to take this time to congratulate the Senator from Iowa for once again raising the issue of proper accounting procedures for the Department of Defense. As we have in the past, I suggest it is a matter for the Senate to express their opinion about and support the endeavors of the Senator from Iowa.

Mr. President, I ask for the yeas and nays.
The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Nebraska.

MILITARY RETIREE BENEFITS

Mr. KERREY. Mr. President, I want to take a minute, hopefully for the purpose of influencing the conference on a vote that was taken yesterday—it passed overwhelmingly—having to do with military retiree benefits.

There are two amendments, one offered by Senator WARNER, one offered by Senator JOHNSON. I appreciate the intent of both amendments and I appreciate very much, as well, the concerns both Senators and everybody who voted for both of those amendments have for military retirees, especially as far as improving our capacity to recruit and retain people in the Armed Forces. I think it is a legitimate concern, and I appreciate very much that concern being expressed yesterday, especially being expressed with affirmatively, as I said, what I voted against both of those amendments.

I did not, during the debate yesterday, offer the reasons I voted against it, and I want to do that now. Both amendments are essentially dealing with the same situation; that is, once you reach the age of 65, you go off the TRICARE system and you go onto Medicare, as most individuals do who work for other businesses as well who end up with health care. It is not unusual today for people to leave employment to go onto Medicare after their retirement from employment.

But one amendment would allow people to buy into TRICARE; Senator JOHNSON's amendment would allow them to buy as well into the Federal Employee Benefits program with a full taxpayer-paid subsidy; one was $4.5 billion a year, the other was about $5.5 billion a year. Senator WARNER's, in order to be able to get it in the budget, has it sunsetting after 2 years. I presume if it becomes law, we will have to extend it every couple of years.

There is a budget issue here that causes me to vote no. The budget issue has to do, first of all, with I think an inaccuracy of study of anybody who needs this and who does not need this. It was developed fairly quickly. It was offered fairly quickly. I think it should have been examined much more carefully, what the impact was going to be, what the real need is, what the real demand is out there; especially the second concern I have, which is that it adds to one of the biggest problems we have with our current budget, and that is the growing share of our budget that is going to mandatory spending.

Theleck at 70 percent for Senator JOHNSON's amendment was people who were enlisted prior to 1957. In 1957, over 70 percent of our budget was appropriated; 70 percent of our budget went to such things as the GI bill and other kinds of investments. I benefited enormously from those investments, not just as a veteran myself, but it was most important for my own parent's generation. That is what they were doing. It is their future. They were really investing in their future as a consequence of those appropriations.

This year, 66 percent of the budget is mandatory. This amendment that was put on the Defense authorization bill will make that problem worse. I could not in good faith vote for the amendment as a consequence of those two concerns, even though I recognize for some veterans, some employees, this is a problem.

Also, I want to comment on some of the things that were said during the debate. I want to comment, especially from the point of view of myself because an military retired. I am one of the retirees that would benefit from this change in the law. I am service-connected disabled as a result of an injury in the war in Vietnam, and I have been receiving a military retirement check since I left the Navy in 1969. I understand the difficulties. I understand we have to be competitive with the private sector. I understand we have a volunteer service today, and so forth. I think it has all been seen from the point of view of the money in this trade, we underemphasize the importance of people joining our service because they are patriotic, because they love their country, because they want to serve their country in some meaningful way, because they believe service makes them better. They believe putting themselves on the line for somebody else isn't something is just good for the other person, it is good for them as well. That was the benefit of being in the Armed Forces.

Though I appreciate very much people coming and saying my country owes me something, I reject that idea. My country owes me nothing. If the Congress of this Nation wants to provide me with retirement, wants to provide me with medical assistance—they provided me with the GI bill and COLAs all these years—they have given me enormous benefits. They gave me a hospital I could go to, to get my care. I appreciate all that. I am grateful for all that. It makes me more patriotic than I was before.

But I do not believe as a consequence of my service that the people of the United States of America owe me anything. I want to make that point because I entered the service because it was my duty. I entered the service because I believed it was the right thing to do. I entered the service because I thought I was going to get something interesting, and I did. I learned how to lead, learned how to take responsibility, learned how to do lots of things. And I learned as well what it is like to be injured, what it is like to be in a nation that takes care of its veterans, that provides care. I learned what it is to suffer a little bit and to feel compassion for other people as they go through their lives and suffer as a consequence of things that were unforeseen, unexpected, unanticipated, and unavoidable.

I have talked to a lot of colleagues on the floor during this debate. They said: Oh, gosh, we can't say no to our veterans, can't say no to our military retirees.

There are times we can. I believe, especially when we think about the budget impact that these amendments are going to have, there are times when we should. I do not believe we should fall into the trap of believing that men and women will not still join the Armed Forces of the United States of America because they love this country and they want to serve.

If that is the case, we need to have good pensions. Yes, we need to make certain they are not getting food stamps. Yes, we need to take care of them when they are in. But let them serve as a consequence of feeling loyal, feeling good about their country, and wanting to put their future and their life on the line. Let service, all by itself, be one of the motivating factors, be one of the reasons that men and women do it. And be grateful for that and reward it, applaud it, pay attention to it.

I wish, in fact, people in Hollywood as they make decisions about what they are going to put on television, what they are going to put in movie theaters, told more of the stories of the men and women who are serving today not because they are being paid well, not because there are health care benefits promised, not because of a retirement program waiting for them, but because they love their country, because they feel a patriotic desire to serve the people of the United States of America and the cause of freedom for which we stand.

It is not a cliche; it is a real thing. I am concerned, concerned with some of the debate I heard yesterday, that only the pecuniary interests were involved; that all we had to do was get the pay high enough, retirement benefits high enough, health care benefits high enough, and we would solve all of our problems.

We will not solve all of our problems if that is what we do. If we do not recognize that one of the reasons people serve is that they love their country, A, we will find ourselves falling short of recruitment and retention objectives, but, in addition to that, we will not know when the correct time is to say to that man or woman who served their country: We have to make certain we have enough money in our budget to invest in our children and their future as well.

We cannot, as we are doing, simply put more and more money in people over the age of 65. I love them. They
have served their country. They are the greatest generation ever. But this action comes on top of eliminating the earnings test, which was a $22 billion proposal over 10. I voted for that. There were 100 of us on this floor who voted for that. And I think it is a good thing to do. But if you look at the diminishing amount of money we invest every single year through our appropriations accounts, and you look at that trend continuing to go further and further down, it gets harder and harder to say we are enduring our future the way our parents endowed the future for us.

Mr. President, I did not want anybody to suffer the illusion that I do not care about our military retirees. I do. There were good fiscal reasons why not to support the amendment, but I hope as we go into conference we do not get lulled into thinking the only thing we have to do to recruit and retain people in our armed forces is to write larger pecuniary reimbursement that enables them to feel they are getting rewarded in some way that is competitive with what they can get in the marketplace.

I yield the floor.

Mr. STEVENS. Mr. President, I am glad to hear the Senator’s statement. I inform my friend, I spent a substantial portion of the day discussing how to meet the problems associated with the feelings of so many people in the military. In fact, substantial commitments made that lead on into the future as enormous costs as compared to the costs of the past.

We need to have a commission of some sort to study the question after the Secretary steps down from this body that he might see fit to be one who will help take on the task of defining the commitments that were made and how we fulfill them. I say that because in the past, many of those benefits were wound out of the Veterans Affairs Department, and the future is coming from the Defense funds, and if they grow at the rate it appears they are going to grow, they are going to be very serious and substantial morbidity and mortality that is very difficult for us to keep our force modernized and weapons systems modernized and our people who are in the services well paid.

People say: We owe you. No. I have a bigger debt to my country than my country has to me. It is a very important attitude for us to instill not just in our young people but retirees as well. I had to say I did not join the Navy because they promised me health care benefits, retirement benefits, and promised me I could go to school, but I have to do this.

Mr. President, I thank the Senator. His statement reflects the comments I made in the meetings today. I do hope we can address this subject. I find it odd that we are saying that many of the people who are raising the issues and talking about the commitments that were made in the war in which Senator INOUYE and I served were not alive then, but they are telling us what the commitments were. We ought to make certain we fulfill all of those commitments, but we have to have a definition of what they really were.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 7, 2000, the Federal debt stood at $5,645,679,929,300.91. (Five trillion, six hundred forty-five billion, six hundred seventy-eight million, nine hundred twenty-nine thousand, three hundred dollars and ninety-one cents.)

Fifteen years ago, June 7, 1985, the Federal debt stood at $1,769,118,000,000. (One trillion, seven hundred sixty-nine billion, one hundred eighteen million) which reflects a debt increase of almost $4 trillion—$3,876,560,929,300.91. (Three trillion, eight hundred seventy-six billion, five hundred sixty million, nine hundred twenty-nine thousand, three hundred dollars and ninety-one cents) during the past 15 years.

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ADDITIONAL STATEMENTS

PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

Ms. COLLINS. Mr. President, I recently had the honor to serve as national co-chair, along with Senator Byron Dorgan, of the National Selection Committee for the Prudential Spirit of Community Awards. This wonderful program, sponsored in partnership by The Prudential Insurance Company of America and the National Association of Secondary School Principals, recognizes outstanding young volunteers at the local, state, and national level. Two state winners, one high school student and one middle school student, receive a $1,000 scholarship, a silver medallion, and a 4-day all expense paid trip to Washington, D.C. for themselves and their parents.

Chairing the National Selection Committee was both an eye-opening and a heart-warming experience. Reading about these young people’s volunteer efforts, the remarkable sacrifices they made for the benefit of their communities, and the lessons they learned reaffirmed my faith in the generosity of the American spirit and in our future. I would like to commend Maine’s two Spirit of Community award winners, Desirae Plourde of Fort Kent and Zachary Growe of Hampden, for being real American heroes.

Desirae, a senior at Fort Kent Community High School, has spent over 1,500 hours serving as a sign language interpreter for a hearing-impaired classmate who plays on her school’s basketball, baseball, and soccer teams. Desirae, the only other student who knows sign language, attended a game one day and noticed how her friend struggled to understand her coach and fellow players, and how frustrated the team became. She offered to interpret for him so that he could continue to play sports, and the school could benefit from his athletic talent. “I was inspired to help because I saw my friend was in need and how much he loved playing the game,” Desirae said. “I share in his joy when he makes a great play and when the team wins.”

Zachary, an eighth grader at Reeds Brook Middle School in Hampden, helped coordinate a campaign that collected 800 used books for needy children. Zach says he enjoys reading so much that he can’t imagine not owning a book. When his class decided to plan a service project, he pushed for a book drive. Zach and his fellow students wrote a plan and a time line, contacted school officials, designed promotional signs, and decorated book drop boxes. In the end, the drive yielded more than four times its original goal of 200 books. Zach and the group delivered the books to many area organizations including a local pediatric ward, and the local chapter of United Cerebral Palsy.

I am very proud of Maine’s two honorees, Desirae and Zach, and congratulate them for answering the call of service and making a real difference in their communities.

Mr. DORGAN. Mr. President, I’d like to take a moment to tell you about some wonderful kids. Recently, two youth volunteers from each state, including the District of Columbia and Puerto Rico, came to Washington, D.C. with their parents. They were being recognized at the Fifth Annual Prudential Spirit of Community Awards for their outstanding acts of community service.

These kids are heroes. They set the example of selflessness and caring for others to follow and it was truly inspiring to hear their stories of service to the public and their communities. I was honored to serve as co-chair of the National Selection Committee along with Senator Susan Collins.

Ten students were chosen as National Honorees—five high school and five middle school students—and each received $5,000, a gold medallion and a crystal trophy for their school. The ten honorees will also have a total of $250,000 in toys and clothing dedicated to needy children in their names.

I’d especially like to congratulate the two volunteers chosen as finalists from the state of North Dakota: Jason Koth of Grand Forks and Scot Miller of Fargo.

Jason, a senior at Grand Forks Red River High School, wrote, produced and directed a play to raise funds for the Make-A-Wish Foundation. It was called “The Sun in My Eyes” and he wrote this play in memory of his handicapped brother. Jason said, “I wanted to tell people to stop fighting over unimportant things and start opening their eyes to the beautiful people that surround them.” His play raised over $1,300 for the foundation and helped send a terminally ill child on his dream trip to Disney World.

Scot, a ninth grader at Discovery Junior High in Fargo, became involved in several volunteer projects to help his community. When he learned that the public library needed donations to complete its expansion plan, Scot led a recycling drive to raise money and created an ongoing recycling program in his neighborhood. He is also president of his school’s Builder’s Club, a student organization dedicated to promoting volunteer efforts within the community. During his summer months, Scot spends four hours a day volunteering as a junior recreation leader for the local parks department.
I'm so proud of Jason and Scot. They should feel great pride for their hard work and the impact they have made in their communities and the lives of others. Their efforts are truly inspiring.

Mr. President, Senator Collins and I would like to honor all 104 Prudential Spirit of Community Honorees by reading their names in the RECORD.

The ten students selected as National Honorees are:
- Linda Arnaud, 17, of Palm Bay, Florida, who discovered that septic tanks in her community were causing groundwater contamination after testing more than 400 residential wells. She then launched an education and monitoring program to alert the public of this important health and environmental risk.
- Brett Byrd, 13, of Camas, Washington, who helped raise more than $100,000 in his mother's memory for breast cancer prevention by performing concerts along with his brother and their rock band.
- Megan Doherty, 16, of Lemont, Illinois, who raised more than $56,000 to bring 29 young cancer victims of the 1986 Chernobyl nuclear disaster to her town for life-saving medical treatment.
- Marcus Houston, 18, of Denver, Colorado, who developed an educational program called "I Just Say Know" that teaches middle level students what it takes to achieve academic, social and athletic success in high school.
- Andrew Leary, 17, of Vernon, New Jersey, who led a two-and-a-half year effort to establish the first permanent soup kitchen in the northern part of his rural county. He also helped raise $35,000 to operate the facility.
- Joshua Marcus, 13, of Boca Raton, Florida, who created "Sack It To You," a non-profit corporation that has provided backpacks filled with school supplies to more than 2,500 needy children.
- Jarret Mynear, 11, of Nicholasville, Kentucky, who raised more than $18,000 to distribute new toys each week to young patients at a children's hospital. Since the program started, Jarret has been featured on many local television shows, as well as the nationally syndicated "Rosie O'Donnell Show," to promote his cause.
- Shelarose Ruffin, 17, of Atlanta, Georgia, who developed an intervention program for middle and high school students to confront and overcome drug abuse and other discipline problems instead of being expelled from school.
- Danielle Shimotakahara, 13, of North Bend, Oregon, who waged a high-profile campaign to remove violent coin-operated games from places where children congregate in her town. She also testified at a U.S. Senate hearing on the effects of violent games on children.
- Sagen Woolery, 12, of Warner Robins, Georgia, who started a summer meal service called "The Kid's Kitchen" for needy children and their families. The service, operated completely by 8-to-12 year-olds, has served more than 3,200 people in her community and also provides toiletries and school supplies for needy children who come to the kitchen.

The state honorees are:
- Jose Alvarez—Puerto Rico
- Sarah Anaya—South Dakota
- Meredith Arensman—Kentucky
- Linda Arnaud—Florida
- Sarah Austin—Maryland
- Shannon Babb—Utah
- Beau Ballinger—Wyoming
- Jason Black—Illinois
- Katie Bolendecker—Minnesota
- Milton Boyd—District of Columbia
- Alison Brown—Colorado
- James Buck—Maryland
- Sara Bulaga—Vermont
- Brett Byrd—Washington
- Kevin Cole—Maine
- Jonathan Cheek—Virginia
- Reid Coggins—South Carolina
- John Coiner—West Virginia
- Kendyll Collins—New Mexico
- Dennis Cordova—New Mexico
- Maria Cruz—Puerto Rico
- Kalilla Dalton—Kansas
- Dana Davis—Tennessee
- Danielle Devlin—New Jersey
- Kimberly Dickard—Mississippi
- Katherine Dill—South Carolina
- Megan Doherty—Illinois
- Tanya Ewing—Alaska
- Caroline Faflik—South Dakota
- D. Ashley Feldman—Pennsylvania
- Tony Fowler—Alabama
- David Frazier—Arkansas
- Shawn Garner—North Carolina
- Christopher Gardner—Nevada
- Benjamin Geisinger—Massachusetts
- Tiffany Georges—Nebraska
- Paul Gordon—Washington
- Zachary Gross—Maine
- Aracely Gurrola—Arizona
- J.esse Hanna—Montana
- Brittany Heath—Texas
- Robin Hill—Montana
- Marcus Houston—Colorado
- Jacobi Johnson—Ohio
- jason Koth—North Dakota
- Amy Lavicky—Oklahoma
- Andrew Leary—New Jersey
- Christi Lockwood—Connecticut
- Joshua Marcus—Florida
- Natalie Mason—Indiana
- Sarah McClintock—Wisconsin
- Caitlin McGee—Delaware
- Ann McGinnity—Wisconsin
- Meghan McGinty—New York
- Scot Miller—North Dakota
- Shifer Giray—North Dakota
- Elizabeth Moss—Nebraska
- Alison Mostrom—Iowa
- Jarrett Mynear—Kentucky
- Leanne Nakamura—Hawaii
- Kendra Nelson—North Carolina
- Chavis Newman—Oregon
- Matthew Nonnemacher—Pennsylvania
- Blaire Nuzem—West Virginia
- Ryan Olson—Virginia
- Catherine Oswald—Rhode Island
- Gustav Harms—California
- Jennifer Parker—Arkansas
- Monica Pasternak—Connecticut
- Audrey Ellis Payne—Vermont
- Allan Peetz—Indiana
- Michael Perez—Arkansas
- Desirae Plourde—Maine
- Taryn Pream—Minnesota
- Jonathan Quarles—Michigan
- Tiffany Ringold—Iowa
- Stephanie Rochel—Massachusetts
- Hannah Rogers—Alabama
- Shelarose Ruffin—Georgia
- Erica Rymer—South Carolina
- Amy Schlueter—Missouri
- Eleanor Sherman—California
- Gregory Shilling—Louisiana
- Danielle Shimotakahara—Oregon
- Sandy Short—Iowa
- Adam Smith—Louisiana
- Jennifer Stanton—Oregon
- Robyn Strumpf—California
- Kristen Stryker—Ohio
- Meredith Swain—North Carolina
- Mackenzie Sweeney—Missouri
- Matthew Ternus—Iowa
- Daniel Tessier—Rhode Island
- Jennifer Thornhill—Texas
- Julia Tobias—New Hampshire
- Lisa Torres—Wyoming
- Ryan Tripp—Utah
- Gopalkrishna Varma—Michigan
- Paul Varnado—Mississippi
- Lakeshia Wallace—District of Columbia
- Aubrie Wedding—Hawaii
- Sagoi Wonderly—Georgia
- Mia Yocool—Arizona
- Christopher Zeigler—Delaware

Mr. LAUTENBERG. Mr. President, it is an honor to pay tribute to Jynell Harris as she retires after nearly 40 years of continuous and dedicated service to the Vineland School District in my home state of New Jersey.

Mr. President, Ms. Harris' achievements extend back to Clayton High School, where she graduated with honors. She later received her B.A. in Elementary Education from Glassboro State College. Ms. Harris began teaching in the Vineland school system in 1961. She taught pre-school children at the Micro-Social Learning Center, served as a Special Education teacher for the mentally handicapped, implemented seminar programs for gifted and talented 7th and 8th graders and led remedial reading and writing classes for 9th and 10th grades at Vineland High School.

In addition to her contributions as a teacher, Ms. Harris has served as Grade-Level Chairperson, Teacher-In-Charge of the Gifted and Talented Magnet School and coordinator of the Cumberland County College Summer Youth Program.

Ms. Harris has been honored repeatedly for her achievements. Her honors include the 1993 Martin Luther King Academy's Harriet Tubman Award, the 1992 Delsea Regional High School Black Student Association Outstanding Community Service Award and recognition as an outstanding educator by the Zeta Phi Beta Sorority.

Ms. Harris also has been effective in the political arena. She coordinated J esse Jackson's 1988 presidential campaign in Cumberland County and
Mr. MConnell. Mr. President, I rise today to pay tribute to the faculty, staff, and students at Lindsey Wilson College in Columbia, Kentucky.

First, I extend sincere thanks for the graciousness and hospitality shown during my visit to Lindsey Wilson College for the May 13, 2000 Commencement. It was an honor to address the faculty and graduating students at such a fine Kentucky institution, and I sincerely appreciate the opportunity.

Located on a southcentral Kentucky hilltop, Lindsey Wilson College is a four-year college affiliated with the United Methodist Church. It began in 1903, as a training school for Vanderbilt University, then became a two-year college in 1923, and started offering a four-year degree program in 1966. Lindsey Wilson's diverse student body is comprised of individuals from 89 Kentucky counties, 23 states, and 26 foreign countries.

Since its four-year degree program began, enrollment has grown a whopping 160 percent and they have expanded to offer 16 undergraduate degree programs and two master's programs. Over the last 13 years, several new buildings have been constructed, the budget has more than doubled, assets now total $49 million, and Lindsey Wilson College's endowment is valued at more than $28 million. Congratulations on these tremendous accomplishments.

I would like to recognize President William T. Luckey and Chancellor John B. Begley. Students, faculty, and staff at Lindsey Wilson are all fortunate to have such committed individuals serving the mission of the school and facilitating its growth.

Another name that is important to Lindsey Wilson is Ruby McKinney Roach. Ms. Roach grew up in Adair County, Kentucky, and is a proud Lindsey Wilson College Alumna of 1954. From Lindsey Wilson, she went to Berea College and earned a Bachelor of Arts in home economics and a Master of Education at Western Kentucky University. After a brief time teaching in Barren County, Ms. Roach went home to Adair County and served as a teacher and guidance counselor for 30 years. According to many people touched by her kindness and generosity, Ruby Roach became deeply involved in the lives of her students. As a home economics teacher, she had the opportunity to share her skills and knowledge with thousands of students over the years. As a guidance counselor, she had the unique experience of talking with students both about their educational goals, and helping them develop a plan to accomplish those goals.

Ms. Roach has been an active member of the educational community outside her school as well, having held positions in the Kentucky Association of School Administrators, the Kentucky Counselors Association, the National Education Association, and Iota chapter of The Delta Kappa Gamma Society International, the honorary society of professional women educators. Ruby Roach also served on numerous civic boards and organizations in the Adair community. She is a former member of the Columbia Women's Club and a member of Beulah Chapel. Ruby Roach has made her alma mater proud, and I commend her for what she has contributed to the College, the surrounding community, and to Kentucky.

In the same way, Lindsey Wilson College is an institution of which the Commonwealth of Kentucky can be proud. On behalf of myself and my colleagues in the Senate, congratulations Lindsey Wilson College, on your many achievements, and best wishes for continued success.

TRIBUTE TO LINDSEY WILSON COLLEGE

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I would like to recognize President William T. Luckey and Chancellor John B. Begley. Students, faculty, and staff at Lindsey Wilson are all fortunate to have such committed individuals serving the mission of the school and facilitating its growth.

Another name that is important to Lindsey Wilson is Ruby McKinney Roach. Ms. Roach grew up in Adair County, Kentucky, and is a proud Lindsey Wilson College Alumna of 1954. From Lindsey Wilson, she went to Berea College and earned a Bachelor of Arts in home economics and a Master of Education at Western Kentucky University. After a brief time teaching in Barren County, Ms. Roach went home to Adair County and served as a teacher and guidance counselor for 30 years. According to many people touched by her kindness and generosity, Ruby Roach became deeply involved in the lives of her students. As a home economics teacher, she had the opportunity to share her skills and knowledge with thousands of students over the years. As a guidance counselor, she had the unique experience of talking with students both about their educational goals, and helping them develop a plan to accomplish those goals.

Ms. Roach has been an active member of the educational community outside her school as well, having held positions in the Kentucky Association of School Administrators, the Kentucky Counselors Association, the National Education Association, and Iota chapter of The Delta Kappa Gamma Society International, the honorary society of professional women educators. Ruby Roach also served on numerous civic boards and organizations in the Adair community. She is a former member of the Columbia Women's Club and a member of Beulah Chapel. Ruby Roach has made her alma mater proud, and I commend her for what she has contributed to the College, the surrounding community, and to Kentucky.

In the same way, Lindsey Wilson College is an institution of which the Commonwealth of Kentucky can be proud. On behalf of myself and my colleagues in the Senate, congratulations Lindsey Wilson College, on your many achievements, and best wishes for continued success.

TRIBUTE TO WALTER AND RUTH MCCANN ON THEIR 50TH WEDDING ANNIVERSARY

Mr. KENNEDY. Mr. President it is a privilege to take this opportunity to honor Mr. and Mrs. J. Walter McCann of Burlington, Massachusetts. On Saturday May 6, 1950, they will celebrate their golden wedding anniversary of 50 years together. They have been proud residents of Burlington since 1959, successfully raising 7 children, 16 grandchildren and one great granddaughter.

These two distinguished Americans have seen extraordinary advances in our state and our country in their lifetime. They are part of the great generation that saw the nation through the Depression and World War II, and their strong values give us all a deep and enduring sense of what it means to be an American.

Ruth Gertrude McCann was the youngest of eight sisters and one brother. She was born in her parents' home at 58 Warren Street in Arlington, Massachusetts on June 29, 1921, the beautiful daughter of Annie and Charles Dennen. Over the next three decades, "Ma" became an accomplished athlete and opera singer and made a recording of her own, and gave a distinguished performance at Radio City Music Hall in New York City. There, she met and fell in love with Walter McCann, and the two were married on June 25, 1949.

Their marriage was wonderful. As she likes to say, "Walter, why did you lead me to the altar?" The answer is obvious to all.

In their neighborhood in Burlington, Ruth was every child's mom, especially when making jelly from the grapes picked on the hill behind her home, or ringing the metal triangle on the porch to call the children home each night for dinner. She loved her children's activities, and continued to participate in the Girl Scout Troop and the Boy Scout Pack. She was a member of the Columbia Women's Club and served as President.

Joseph Walter McCann was born on January 21, 1920 in Lowell, Massachusetts in his family home, the second son of four children raised by Alma and William Francis McCann. An energetic young man, "JW" or "Walter" was an avid skier at Tuckerman's Ravine in New Hampshire each winter. He loved to "walk uphill in the snow" for the love of the sport with his cousin Jackie Stowell, his childhood best friend.

His wife and children have warm and vivid memories of his enormous trust and faith in the federal and state governments, whose actions were often eloquently and vigorously debated at the dinner table. His "stand up and be counted" philosophy was always challenging to those around him, and his quick wit entertained all who came to know him.

As a father, he would often take the family camping and nourish them with "Campers Delight" for dinner. Returning home from business trips, he was always well informed by the "Little Birdie in the Window," about his children's activities—and even about their mischievous behavior. His children were in awe that he knew so much. But most of all, each of his children and grandchildren will always remember listening to him read stories, especially at Christmas, and the loving phone calls made by Santa to each one of them every year.

Mr. President, in this special occasion, I congratulate Walter and Ruth McCann as they enjoy and celebrate their golden anniversary together.

Their commitment to the principles and values of their marriage, their family, and their country deserve to be recognized and saluted. I wish them a very happy 50th wedding anniversary, and continuing wonderful times together in the years to come.

TRIBUTE TO COL. CRAIG F. BROTCHE

Mr. HUTCHINSON. Mr. President, I rise today to honor Col. Craig F. Brotchie of the United States Special Operations Command who is retiring from the United States Air Force after 26 years of active duty. Colonel Brotchie is an exceptional leader, and has served this great country with dedication and distinction.

Colonel Brotchie is known for his dedication and integrity. Colonel Brotchie has tackled the tough issues that our Air Force and Special Operations Command has faced over the years with integrity and determination, and he has done so with courage and professionalism. He has served with honor and distinction, and has been a true leader in the field of special operations.

His leadership has been characterized by a commitment to excellence, a dedication to the mission, and a strong sense of purpose. Colonel Brotchie has always been a role model for others to emulate, and his legacy will be remembered for years to come.

In conclusion, I would like to express my deepest gratitude to Colonel Brotchie for his service and dedication to our country. He has served with honor and distinction, and his contributions will not be forgotten.

Thank you, Mr. President.
TRUMBULL STUDENTS’ SUCCESS IN COMPETITION

Mr. LIEBERMAN. Mr. President, I would like to acknowledge and congratulate the recent success of the students of Trumbull High School of Trumbull, Connecticut.

On May 6-8 these students competed in the “We the People ... the Citizen and the Constitution” national finals in Washington, D.C. This competition, administered by the Center for Civic Education, tests elementary, middle and high school students in their knowledge of constitutional government. In the finals, in which Trumbull High School matched wits against 50 other classes from across the country, students acted as constitutional experts and testified before a panel of judges in a congressional hearing.

The Trumbull class was taught by Peter Sullivan and included Rachel Bochino, Alison Brand, Joanna Bruckman, Melissa Budahazy, Lindsey Cahill, Kelly Chapelle, Andrew Conway, Jessica Cottone, John Draskovic, Timothy Drummond, Michael Dutiewicz, Kim Ferguson, Kathryn Graf, Juli Giery, Amy Hatzis, Lauren Hellthaler, Christine Jelliffe, Paul Strickland, Varun Vasudeva, and Robert Ward.

I am pleased to recognize the accomplishments of these outstanding students. The “We the People ...” competition is the largest program testing knowledge of the Constitution in the United States, extending to over 26 million students across the country. Advancing to the national finals represents a significant achievement, and demonstrates an impressive interest in and understanding of the structure and processes of our constitutional government. Trumbull High School and all of Connecticut can take great pride in being the subject that is of fundamental importance to the vitality of our democracy.

TRIBUTE TO JOHN COOLIDGE

Mr. JEFFORDS. Mr. President, my home town of Shrewsbury, Vermont, can be a good way farther from Plymouth than it looks, at first glance, on a map. Though the towns’ borders touch, Plymouth was the hilltop of the Green Mountains in Windsor County, Shrewsbury’s in Rutland County high on the mountains’ west side. In the winter the drive is about 25 miles, though it shortens to seven in the summer, when the old CCC Road is open. But the two old Vermont mountain towns are, in reality, close in spirit, due in considerable part to the “Coolidge connection.”

I thought about this last week on receiving the sad news of the death of John Coolidge, at 93, the son of President Calvin Coolidge. I had seldom been to The Notch without seeing John, and his greeting was always warm and I usually heard another fascinating story about his father, Calvin, or his mother, Grace. Though father and son shared reputations for being men of few words as Calvin’s autobiographer shows, he was capable of true eloquence, as was J ohn. Read his introduction to the book “Your Son Calvin Coolidge,” if you doubt it.

But as I was saying, the Coolidges helped make Plymouth and Shrewsbury in the exact same school in Northam, before her early death. Aurora Pierce, the long-time housekeeper at the Coolidge homestead was a product of Shrewsbury. Her cousin, Marjorie Pierce, of Shrewsbury, recalled that John Coolidge was trapped by his annual summer visit to Aurora’s grave in the Northam Cemetery. Aurora lived at the homestead long after Calvin Coolidge’s death and jealously guarded its historic contents. We owe much to her for preserving, virtually intact, the contents of the house. She was, in her own unique way, a preservationist. So, too, was J ohn.

John once told me that his grandfather, Col. John Coolidge, offered to keep the Notch looking as it was would be the best memorial to President Coolidge. The Notch today remains virtually as it was when Calvin Coolidge was president, John Coolidge, working with the Coolidge Foundation and through the wonderful Calvin Coolidge Memorial Foundation, which he and his wife Florence, were instrumental in founding, saw to it. It is comforting to know that a Vermonter like myself, who always drop in and see the Vermont of olden times, of open fields, farm homes, barns in good repair, all living on, and to know what a remarkable event in our nation’s history happened in that remote setting-the 1923 homestead inaugural.

I was happy three years ago to be able to deliver a federal appropriation to the Coolidge Foundation and I know it is being well used, continuing the legacy of Calvin Coolidge, a legacy so well carried on by his son. John Coolidge left many legacies. He nobly and eloquently bore the mantle of first son, which came so suddenly upon him with his father’s early death. John was a successful businessman, including the restarting of the Cheese Factory at the Notch. Time and again through countless interviews he showed the world what a true Vermonter was all about. And he made sure that the world “Iet Plymouth be” as it was in his father’s time.

John Coolidge had always lived in Plymouth from spring until after the
autumn leaves were gone. Then, two years ago, he came home to Plymouth Notch to live full time. One paper said he'd come home to die, but he really came home to live. He was proud that he spent his first two winters at The Notch and was added to the Plymouth check list.

Now he will rest at the Notch Cemetery, besides his father and mother, his wife, his brother Calvin J., who died during the Coolidge presidency, and long generations of Coolidges. He will rest in a peaceful setting in a valley he did so much to preserve. Vermont needs to forge on preserving its wondrous landscape, for it is too precious and rare to lose. John Coolidge knew that well and his beloved Notch will long serve as an example for coming generations of Vermonters, indeed, for all Americans.

THE UNIVERSITY OF NORTH DAKOTA WIND THE INTERCOLLEGIATE FLYING ASSOCIATION NATIONAL CONFERENCE

- Mr. DORGAN. Mr President, I rise to recognize a recent achievement of the University of North Dakota’s flying team. At the end of May, UND won the National Intercollegiate Flying Association national championship. This is the eleventh such title for our University.

This national championship team placed first in the flight and ground events by scoring 162 points in the 10 different events—32 points more than its closest competitor. Erich Hess won first place in Top Pilot honors and secured the Craig Morrison award by receiving the top combined scores in Computer Accuracy, Simulated Comprehensive Aircraft Navigation and Preflight. Brain Visocky received second place in Top Pilot honors and took first place honors in the Short Field Landing. Ten other committed students at the John D. Odegard School of Aerospace Sciences helped lead UND to its first place victory.

I commend Coach Al Skramstad and Assistant Coach Eric Brusven for their work in helping these students rigorously prepare for this annual event. Winning the national championship is a significant achievement that could not have been realized if it were not for an enormous commitment on the part of both the students and their instructors.

The University of North Dakota is located in Grand Forks, ND, and I’m honored to have graduated from this great university. The John D. Odegard School of Aerospace Sciences has always played a significant role at the University as an international leader in collegiate and contract aviation education and training services. With more than 1,500 students, the School of Aerospace Science is the second largest college at UND.

And so today I salute the University of North Dakota and its extraordinary championship flying team.

TRIBUTE TO FRED CAPPS

Mr. McCONNELL. Mr. President, I rise today to pay tribute to the late Fred Capps and to offer condolences to his wife, Cathy, and their two young children, John and Lydia.

Commonwealth’s Attorney Fred Capps lost his life fighting for the people. Mr. Capps opened the courtroom. Kentucky Senate President David Williams, a longtime friend of Mr. Capps, said it best: “He died a hero, protecting his family. He was defending his home and his children, and he didn’t do it for an Al Predator for Adair, Case, Cumberland and Monroe counties. Mr. Capps was devoted to bringing criminals to justice. He gave his time and energy to protect the victims who needed his help and, in the end, he gave his life for their sakes as well. I have a tremendous amount of respect for the sacrifices Mr. Capps made, and I am deeply saddened that such a fine Kentuckian has been lost.

Since this tragedy occurred, people across the State of Kentucky have spoken to me. We are a close-knit family. We are a strong family. And we are a good family.

Mr. Capps also is remembered for the many hours he served as a volunteer coach for the Burkesville Little League, and for his example as a committed family man. He was a devoted husband and father, loyal friend, community leader, and gifted attorney.

At times such as this, I am reminded of the fragility of life and the importance of family. From all accounts, Mr. Capps understood and valued these things while he was alive and has left a legacy of excellence for his children to remember. Hopefully it will be a comfort to the family and friends Mr. Capps leaves behind to know that he was loved and admired by so many in his community and throughout the entire State. On behalf of myself and my colleagues, we offer our deepest condolences to the family and friends of Mr. Capps.

Capps also is remembered for the many contributions to his loved ones, and express our gratitude for all Mr. Capps made, contributed to the counties he served, the State of Kentucky, and to our great Nation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

STALL H.S. STUDENTS EXCEL IN COMPETITION

- Mr. HOLLINGS. Mr. President, I would like to recognize a group of students from R.B. Stall High School in Charleston, S.C. who recently participated in the We the People . The Citizen and the Constitution national finals in Washington, D.C. They tested their knowledge of American constitutional government against 50 other student groups from across the country in a familiar format to those of us in the Senate—a congressional hearing. During the simulated hearing, students testified as constitutional experts before a panel of judges. Nineteen students, led by their teacher Karen Cabe Gibson, represented Stall High School at the competition. They were: Prema Bihari, Amy Boller, Philip Brooks, Michael Brown, Adam D’Alessandro, Chad Gleaton, Mario King, Morwen Mansfield, Sharon Martin, Jackie Mixon, Katie Mixon, Thang Nguyen, James Nick, C.J. Parks, Shirkarah Robinson, Tamiko Robinson, Johnathan Tufts, Peatsy Vail, and Eric Weisbecker. I commend these students for their impressive performance in the We the People. The Citizen and the Constitution program administered by the Center for Civic Education. Their interest in the foundation of our government is refreshing and will prepare them to become active, responsible citizens and community leaders.

REPORT ENTITLED “SCIENCE AND ENGINEERING INDICATORS—2000”—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report of the National Science Board entitled, “Science and Engineering Indicators—2000.” This report represents the fourteenth in a series examining key aspects of the status of American
science and engineering in a global environment.

WILLIAM J. CLINTON.

MESSAGES FROM THE HOUSE
At 11:15 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3176. An act 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, and to transmit the report on the study to the Committee on Environment and Public Works.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NCOI of the Coastal Barriers Resources System.

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 356. An act to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Welton-Mohawk Irrigation and Drainage District, and for other purposes.

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

The following communications were received, pursuant to the provisions of the Federal Crop Insurance Act to strengthen the safety of Agriculture and to access public information regarding the programs administered by these agencies.

ENROLLED BILLS SIGNED
At 12:02 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:

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

H.R. 3564. An act to authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

At 3:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its readings clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4542. An act to designate the Washington Opera in Washington, D.C., as the National Opera.

The enrolled bills were signed subsequently by the President pro tempore (Mr. Thurmond).

MEASURES REFERRED
The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3176. An act 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, and to transmit the report on the study to the Committee on Environment and Public Works.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NCOI of the Coastal Barriers Resources System.

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS
The following communications were read before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:


EC-9158. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of determinations on Export License Applications, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Appropriations.

EC-9159. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9160. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Appropriations.

EC-9161. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Appropriations.

EC-9162. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9163. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9164. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9165. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9166. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9167. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9168. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9169. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9170. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9171. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

EC-9172. A communication from the Assistant Secretary of Defense for Financial Management, transmitting, pursuant to law, the report of the Development Assistance and Child Survival/Diseases Program allocations for fiscal year 2000, to the Committee on Foreign Relations.

MEASURE PLACED ON THE CALENDAR
The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL PRESENTED
The Secretary of the Senate reported that on today June 8, 2000, he had presented to the President of the United States the following enrolled bill:

S. 777. An act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.

The following communications were read before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9166. A communication from the Committee on Agriculture and Rural Development, trans- mitting, pursuant to law, the report entitled "The Oil Shale Reserve Transfer Act:;" to the Committee on Armed Services.

EC-9167. A communication from the Committee on Armed Services, trans- mitting, pursuant to law, the report entitled "The Plan for Improved De- manding, trans- mitting, pursuant to law, the report entitled "The Plan for Improved De-}
EC-9177. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled "The Hardrock Mining Production Payments Act"; to the Committee on Energy and Natural Resources.

EC-9178. A communication from the Assistant Secretary of the Interior for Policy, Management, and Budget and the Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting jointly, a draft of proposed legislation entitled "The Recreational Fee Authority Act of 2000"; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2406. A bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURkowski (for himself and Mrs. STEVENS):

S. 2693. A bill to amend title XIX of the Social Security Act to provide a more equitable Federal medical assistance percentage for Alaska; to the Committee on Finance.

By Mr. MURkowski:

S. 2694. A bill to amend section 313 of the Tariff Act of 1930 to make certain products eligible for drawback and to clarify certain drawback provisions; to the Committee on Finance.

By Mr. BOND:

S. 2695. A bill to convert a temporary Federal judgeship in the eastern district of Missouri to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Ms. Collins, and Mr. ROBB):

S. 2696. A bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. Gramm, and Mr. Fitzgerald):

S. 2697. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN (for himself, Mr. Kerry, Mr. Rockefeller, Ms. Snowe, Mr. Allard, Mr. Baucus, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Daschle, Mr. Durbin, Mr. Hollings, Mr. Hutchinson, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mrs. Lincoln, Ms. Mikulski, Mr. Reid, Mr. ROBB, Mr. Roberts, Mr. Schumer, Mr. Thurmond, Mr. Enzi, Mr. Breaux, Mr. Brownback, Mr. Bryan, and Mr. Burns):

S. 2698. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2699. A bill to strengthen the authority of the Federal Government to protect individuals from certain acts and practices in the Internet; to the Committee on the Judiciary.

By Mr. L. CHAFFEE (for himself, Mr. Lautenberg, Mr. Smith of New Hampshire, and Mr. Baucus):

S. 2700. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State brownfield response and other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. DeWine, and Mr. Rockefeller):

S. 2701. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for donations to computers to senior centers, to require a pilot program to enhance the availability of Internet access for older Americans, and for other purposes; to the Committee on Finance.

By Mr. BENNETT (for himself and Mr. SCHUMER):

S. 2702. A bill to require reports on the progress of the Federal Government in implementing Presidential Decision Directive No. 63 (PDD-63); to the Committee on Armed Services.

By Mr. AKAKA (for himself, Mr. Durbin, Mr. SARBANES, Ms. Mikulski, Mr. Edwards, and Mr. Baucus):

S. 2703. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself, Mr. BOND, Mr. Daschle, Mr. Johnson, Mr. Brownback, and Mr. Roberts):

S. 2704. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. Lieberman, Mr. Akaka, Ms. Collins, Mr. Durbin, Mr. Levin, and Mr. Voinovich):

S. 2705. A bill to provide for the training of individuals, determine a presidential transition who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees and for other purposes; to the Committee on Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. Kyl):

S. 2706. A bill to amend the Agricultural Market Transition Act to establish a program to provide dairy farmers a price safety net for small- and medium-sized dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAPO (for himself, Mr. Craig, Mr. Enzi, and Mr. Barrasso):

S. 2707. A bill to help ensure general aviation aircraft access to Federal land and the airspace over that land; to the Committee on Energy and Natural Resources.

By Mr. ASHCROFT:

S. 2708. A bill to establish a Patients Before Paperwork Medicare Red Tape Reduction Act, to reduce current and future duplication of paperwork under the Medicare program; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. Bond, Mr. Bingaman, Mr. Dorgan, Mr. Daschle, and Mr. Kerrey):

S. 2709. To establish a Beef Industry Commission Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CAMPBELL (for himself, Mrs. Hutchison, Mr. Lautenberg, Mr. Abraham, Mr. Brownback, Mr. Hutchinson, Mr. Chabot, Mr. Dodd, and Mr. Feingold):

S. J. Res. 48. A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURkowski (for himself and Mr. STEVENS):

S. 2693. A bill to amend title XIX of the Social Security Act to provide a more equitable Federal medical assistance percentage for Alaska; to the Committee on Finance.

THE ALASKA MEDICAID EQUITY ACT OF 2000

Mr. MURkowski. Mr. President, for more than 30 years, the State of Alaska was subjected to an existing inequity in the administration of the national Medicaid program.

With a poverty level 25 percent above the national average, and over one-sixth of the state's population Medicaid-eligible, Alaska delivers health care to many needy children, pregnant women, disabled and elderly poor Americans. These people deserve quality medical care, and Alaska delivers.

But three years ago, Congress recognized that the federal government was not paying its fair share of Alaska's Medicaid program. The one-size-fits-all formula that is used to calculate the federal Medicaid match is based upon the per capita income of individual states as it relates to the national per capita income. Simply put, states with higher per capita income pay a higher percentage of Medicaid costs. This formula works well for states that are near national norms for most economic indicators. But it certainly doesn't work in the State of Alaska, where most economic measurements are atypical compared with national averages.

The reason is fairly simple. It just costs more to live and do business in Alaska. Per capita income isn't a fair indicator unless it takes into account the cost of delivering care in that area. Somehow, however, the Medicaid formula forgot this.

In 1997, when Congress recognized this issue, it adopted legislation that reflected the state's higher costs and increased the federal Medicaid match. Instead of receiving a 50-50 match rate, as the formula would dictate, a 59.8-40.2 percent match rate was established.

Unfortunately, this legislation was a short term fix. It only allowed the formula change to remain in effect for
three years. As a result, unless we change the law, the formula will revert to the same inequitable standard that was used previously. And unless we extend the formula change, vital health care services to Alaska's neediest patients will be compromised.

For this reason, I am introducing legislation that will extend the federal government's commitment to the health and well-being of Alaska's Medicaid beneficiaries. The "Alaska Medicaid Equity Act of 2000," which is co-sponsored by Senator STEVENS, simply continues the spirit and intent of Congress by adjusting federal medical assistance percentage calculations to account for Alaska's unusually high delivery costs.

Three years after we first passed this legislation, the reasons and justifications for the adjustment still exist. The formula is still fundamentally unfair to Alaska.

Let me explain why. Alaska's per capita income is $28,523, the 17th highest in the country. In fact, it's right near the national average, which is $28,518. Although Alaska's per capita income suggests it is one of the richer states, it fails to take into account the high cost of living and the high cost of delivering health care.

Some studies show that it costs 71 percent more to deliver health care in Alaska. But let's look at some real numbers. From coast to coast, the U.S. dollar buys more goods and services than it does in Alaska.

In Portland, Oregon, it costs $56.00 to feed a family of four for one week. In Anchorage it costs $84.15. In Kodiak, that number jumps to $105.88. And out in Dillingham, that number rises to $144.57! We're comparing apples and oranges when we compare Alaska's per capita income to another state's average.

And how about electricity? In Portland, 1000 kilowatt hours costs $60.88. Anchorage residents are paying $92.83. Out in Bethel, Alaska, residents are paying $202.68.

When focusing solely on the delivery of health care services, the differences stand out even more. In Florida, a hospital room for one day costs, on average, $361. This is in line with lower co costs, which run between $350 and $450. In Alaska, that same room costs $748—more than twice as much! A physician office visit is $53 in Florida. That visit costs $80 in Alaska—an increase of 66%!

You can look at virtually any good or service and see a comparable difference. A dollar simply doesn't buy the same thing in Alaska as it does in the lower 48. The numbers prove this. The federal government has admitted this. Federal government employees receive a salary adjustment in Alaska—a 25% cost of living adjustment. Military personnel receive a similar increase. Medicare pays a higher rate. Even the Federal Poverty Level is adjusted to reflect the unique costs in Alaska. So why doesn't Medicaid?
(C) The Balanced Budget Act of 1997 imposed restrictions on the domestic sale or distribution of export-labeled cigarettes, but such provisions have not been adequate to prevent evasion of provisions of United States taxes on cigarettes.

(D) Enforcement of Federal cigarette tax laws will be enhanced substantially if ciga-
rettes are given a clear identification so that they may be imported or brought into the United States and labeled for export, and that those cigarettes are being transferred or removed without tax.

(2) Ensuring Compliance with Federal Health Warnings and Ingredient Reporting Requirements.—

(A) Congress has required that specified warnings appear on the packages of all ciga-
rettes, either immediately packaged, or imported for sale or distribution in the United States annually provide the Sec-
retary of Health and Human Services with a list of the ingredients added to tobacco in the manufacture of such cigarettes.

(C) The public health objectives of the foregoing requirements will be advanced by adopting additional mechanisms for ensuring that such cigarettes are not misleading in any respect to all cigarettes for sale or distribution in the United States.

(3) Enforcement of Federal Trademark Laws.—

(A) Cigarettes manufactured for sale abroad have characteristics that differ-
entiate them in material respects from ciga-
rettes that bear the same trademarks but that are manufactured for sale in the United States.

(B) Such material differences may include tar nicotine yields, incentive programs, and quality assurances with respect to dis-
tribution and storage.

(C) When registering and bearing trademarks registered in the United States are manufac-
tured for sale or distribution outside the United States but are diverted or reimported for sale or distribution in the United States, there is a substantial risk of consumer con-
fusion and deception. Stickers and other similar devices are inadequate to prevent such confusion and deception.

(D) In order to effectuate the purposes of the United States trademark laws, including the prevention of consumer confusion and deception, additional legislation is necessary to allow United States trademark holders to enforce fully their rights against infringing cigarettes whether such cigarettes were manufactured in the United States or abroad.

SEC. 3. RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.

(a) Restrictions on Tobacco Products Intended for Export.—

"SEC. 5754. RESTRICTIONS ON TOBACCO PRODUCTS INTENDED FOR EXPORT.

"(a) Export-Labeled Tobacco Products.—Tobacco products and cigarette pa-
pers and tubes manufactured in the United States and labeled or shipped for export under this chapter—

"(1) may be transferred to or removed from the premises of a manufacturer or an export ware-
house proprietor only if such articles are being transferred or removed without tax in accordance with section 5704;

"(2) except as provided in subsection (b), may be imported or brought into the United States, after their exportation, only if—

"(A) the requirements of section 4 of the Gray Market Cigarette Compliance Act of 2000 are satisfied;

"(B) such articles either are eligible to be released from customs custody with the par-
tial duty exemption provided in section 5704(d) or are returned to the original manu-
facturer of such article as provided in section 5704(c); and

"(3) may be reimported or held for sale for dom-
estic consumption in the United States only if such articles are removed from their export packaging and repackage-
ded for sale in the United States into new packaging that does not contain the mark, label, or notice required by section 5704(b) and complies with all other domestic law applicable to such articles. This section shall apply to articles labeled for export by the original manufacturer even if the packaging or the appearance of such articles was modified or altered.

(b) Exceptions for Export-Labeled Tobacco Products for Personal Use.—The re-
strictions of subsection (a)(2) and the pen-
cillary requirements of subsection (a)(3) shall not apply to personal use quan-
tities of tobacco products and cigarette pa-
pers and tubes, as defined in sections 555(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(1)(A)).

(c) Cross Reference.—Section 5761(c) contains civil penalties related to violations of this section. Such civil penalties apply to violations of this section. Section 5763(a)(3) contains forfeiture provisions related to violations of this section.

(d) Clarification of Reimportation Rules.—Section 5704(d) of the Internal Rev-
ue Code of 1986 (relating to tobacco prod-
ucts and cigarette papers and tubes exported and reimported) is amended by amending—

(1) striking "a manufacturer of" and in-
serting "the original manufacturer,

(2) inserting "authorized by such manu-
facturer to receive such articles" after "pro-
priator of an export warehouse".

(e) Conforming Amendments.—

(1) Section 5761(e) is amended by adding at the end the following: "For an exception to the application of the penalty under subsection (d), see section 555(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(1)(A))."

(2) Section 5763(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) Export-Labeled Tobacco Products or Cigarette Papers or Tubes.—Any tobacco product, cigarette paper, or tube that was imported or brought into the United States as a result of being imported or brought into the United States, or is sold into the United States, is subject to tax under section 5754(a)(2), or that is sold or being held for sale in violation of section 5754(a)(3), shall be forfeited to the United States. Notwith-

standing any other provision of law, any product forfeited to the United States pursuant to this section shall be destroyed."

(f) Clerical Amendment.—The item relat-
ing to section 5754 in the table of sections for subsection F of chapter 52 of the Internal Revenue Code of 1986 is amended to read as follows:

Sec. 5754. Restrictions on tobacco products intended for export.

SEC. 4. REQUIREMENTS APPLICABLE TO CIGA-
rette Imports.

(a) Definitions.—As used in this section:

(1) Secretary.—Except as otherwise indi-
cated, the term "Secretary" means the Sec-
retary of the Treasury.

(2) Primary Packaging.—The term "pri-
mary packaging" refers to the permanent packaging inside of the innermost cello-
phane or other transparent wrapping and la-
bels, if any. Warnings or other statements that are applied to the primary packaging only if printed directly on such primary packaging and not by way of stickers or other similar devices.

(b) Requirements for Entry of Cigare-
ttes.—

(1) General Rule.—Except as provided in paragraph (2), cigarettes (whether originally manufactured in the United States or in a foreign country) may be imported or brought into the United States only if—

(A) the manufacturer of those cigarettes has timely submitted, or has certified that it will timely submit to the Secretary of Health and Human Services the lists of the ingredients added to the tobacco in the manu-
facture of such cigarettes as described in section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335a);

(B) the precise warning statements in the pack are specified in section 4 of such Act (15 U.S.C. 1335) are permanently im-
printed on both—

(i) the primary packaging of all those cig-
arettes, and

(ii) any other pack, box, carton, or con-
tainer of any kind in which those cigarettes are to be offered for sale or otherwise distrib-
uted to consumers; or

(C) the manufacturer or importer of those cigarettes is in compliance as to those cigare-
ttes being imported or brought into the United States with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of such Act (15 U.S.C. 1333(c));

(D) those cigarettes do not bear a trade-
mark registered in the United States on such cigarettes, or if those cigarettes do bear a trademark registered in the United States for cigarettes, the owner of such United States trademark registration for cigarettes, or a person authorized to act on behalf of such owner, has consented to the importa-
tion of such cigarettes into the United States;

(E) the importer has submitted at the time of entry all of the certificates described in para-
graph (3) and (4) as required by this section.

(f) Conditions in Any Case.—Cigarettes satisfying the conditions of any of the following subparagraphs shall not be subject to the require-
ments of paragraph (1).

(1) Personal-Use Cigarettes.—Cigarettes that are imported or brought into the United States in personal use quantities as defined in section 555(b)(1)(G) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(1)(G)).

(B) Cigarettes brought into the United States for analysis.—Cigarettes that are imported or brought into the United States solely for the purpose of analysis in quan-
tities suitable for such purpose, but only if the importer submits at the time of entry a certificate signed, under penalties of perjury, by the consignee (or a person authorized by such consignee) providing such facts as may be required by the Secretary to establish that such consignee is a manufacturer of cigarettes, a Federal State or local government agency, a university, or is otherwise engaged in bona fide research and stating that such cigarettes will be used solely for analysis and will not be sold in domestic commerce in the United States.

(C) Cigarettes intended for noncom-
mercial use, reexport, or repackaging.—

(i) that are being imported or brought into the United States for delivery to the original...
manufacturer of such cigarettes, or to a cigarette manufacturer or an export warehouse authorized by such original manufacturer;
(ii) that do not bear a trademark registered in the United States for cigarettes, or if those cigarettes do bear a trademark registered in the United States for cigarettes for which the owner of such United States trademark registration is the manufacturer of such cigarettes (or a person authorized to act on behalf of such owner) has consented to the importation of such cigarettes into the United States;
(iii) for which the importer submits a certificate signed by the manufacturer or export warehouse authorized by such manufacturer or export warehouse) to which such cigarettes are to be delivered (as provided in clause (i)) stating, under penalties of perjury that such cigarettes, that it will not distribute those cigarettes into domestic commerce unless prior to such distribution all steps have been taken to comply with subparagraphs (A), (B), and (C) of paragraph (1), and, to the extent applicable, section 5754(a)(3) of the Internal Revenue Code of 1986.

For purposes of this subsection, a trademark consists of any word, symbol, or device, or any combination thereof, that is used upon or in connection with goods or services, or that is used as a certification of origin, that may be protected under the provisions of title I of the Act of July 19, 1940 (as known as the Trademark Law of 1940), and a copy of the certificate of registration of such mark has been filed with the Secretary. The Secretary shall make available to interested parties a current list of the marks so filed.

(3) CUSTOMS CERTIFICATIONS REQUIRED FOR CIGARETTE IMPORTS. —The certificates that must be submitted by the importer of cigarettes at the time of entry in order to comply with paragraph (2)(E) are:
(A) a certificate signed by the manufacturer of such cigarettes or an authorized official of such manufacturer stating under penalties of perjury with respect to those cigarettes, that such manufacturer has timely submitted, and will continue to submit timely, to the Secretary of Health and Human Services the ingredient reporting information required by section 7 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1338a);
(B) any certificate signed by the importer or an authorized official of such importer stating under penalties of perjury that—
(i) the precise warning statements in the precise format required by section 4 of the Act (15 U.S.C. 1333) are permanently imprinted on both—
(I) the primary packaging of all those cigarettes; and
(ii) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers;
(ii) with respect to those cigarettes being imported or brought into the United States, such importer has complied, and will continue to comply, with a rotation plan approved by the Federal Trade Commission pursuant to section 4(c) of such Act (15 U.S.C. 1333(c)); and
(C) either—
(i) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that those cigarettes and the packaging contained in which such cigarettes do not bear a trademark registered in the United States for cigarettes; or
(ii) if those cigarettes do bear a trademark registration in the United States for cigarettes—
(I) a certificate signed by the owner of such United States trademark registration for cigarettes (or an authorized official on behalf of such owner) stating under penalties of perjury that such owner (or authorized person) consents to the importation of such cigarettes into the United States; and
(ii) a certificate signed by such importer or an authorized official of such importer stating under penalties of perjury that the consent referred to in clause (i) is accurate, remains in effect, and has not been withdrawn.

The Secretary may provide by regulation for the requirements of this subsection in electronic form if prior to the entry of any cigarettes into the United States, the person required to provide such certification submits to the Secretary a written statement, signed under penalties of perjury, verifying the accuracy and completeness of all information contained in such electronic submissions.

(c) ENFORCEMENT. —
(1) CIVIL PENALTY. —Any person who violates a provision of subsection (b) shall, in addition to the tax and any other penalty provided by law, be liable for a civil penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

(2) FORFEITURE. —Any tobacco product, cigarette paper, or tube that was imported or brought into the United States or is sought to be imported or brought into the United States in violation of, or without meeting the requirements of, subsection (b) shall be forfeited to the United States. Notwithstanding any other provision of law, any tobacco product forfeited to the United States pursuant to this section shall be destroyed.

(3) CROSS REFERENCE. —Section 1921 of title 18, United States Code, contains criminal penalties applicable to the commission of perjury under this section.

SEC. 5. PENALTIES APPLICABLE TO THE SALE OF CIGARETTES NOT IN COMPLIANCE WITH LABELING REQUIREMENTS.

(a) CIVIL PENALTY. —Any person who sells or holds for sale for domestic consumption any cigarettes for which the precise warning statements in the precise format required by section 4 of the Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are not permanently imprinted on both—
(I) the primary packaging of all those cigarettes; and
(II) any other pack, box, carton, or container of any kind in which those cigarettes are to be offered for sale or otherwise distributed to consumers, shall, in addition to the tax and any other penalty provided by law, be liable for a penalty for each violation equal to the greater of $1,000 or 5 times the amount of the tax imposed by chapter 52 of the Internal Revenue Code of 1986 on all cigarettes that are the subject of such violation.

(b) FORFEITURE. —Any cigarettes that are sold, or are being held for domestic sale, in the United States (and not for export or dutyfree sale) shall be forfeited to the United States if the precise warning statements in the precise format required by section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) are not permanently imprinted on both—
(I) the primary packaging of all those cigarettes; and
(II) any other pack, box, carton, or container of any kind in which those cigarettes are offered for sale, sold, or otherwise distributed to consumers.

(c) ENFORCEMENT. —The provisions of this section shall be enforced by the Secretary of the Treasury, the Bureau of Alcohol, Tobacco, and Firearms and such other agencies within the Department of the Treasury as the Secretary may determine.

(d) T RANSFER. —Transfers of cigarettes that meet the requirements for transfer or removal free of tax under section 5704 of the Internal Revenue Code of 1986 and transfers of cigarettes pursuant to section 4(b) of this Act shall not be treated as sales for domestic consumption under this section. Notwithstanding any other provision of law, any article forfeited to the United States pursuant to this section shall be destroyed.

For purposes of this section, the term 'primary packaging' shall refer to the permanent packaging inside of the innermost cellophane or other trans-
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CONGRESSIONAL RECORD — SENATE
June 8, 2000

legislation to reauthorize the Commodity Exchange Act (CEA), which lapses on September 30th of this year. The Commodity Futures Modernization Act of 2000 would reauthorize the Commodity Exchange Act (CEA) for five additional years. It would also update the Commodity Exchange Act in three primary ways. First, it would incorporate the unanimous recommendations of the President's Working Group (PWG) on the proper legal and regulatory treatment of over-the-counter (OTC) derivatives. Second, it would codify the regulatory relief proposal of the Commodity Futures Trading Commission (CFTC) to ensure that futures exchanges are appropriately regulated and remain competitive. Lastly, this legislation would reform the Shad-Johnson jurisdictional accord, which banned single stock futures 18 years ago.

Derivative instruments, both exchange-traded and over-the-counter (OTC), have played a significant role in our economy's current expansion due to their innovative nature and their risk-transferring attributes. According to the International Swaps and Derivatives Association (ISDA), the global derivatives market has a notional value that exceeds $58 trillion and it has grown at a rate exceeding 20 percent since 1990. Identified by Alan Greenspan as the “most significant event in finance of the past decade,” the development of the derivatives market has substantially added to the productivity and wealth of our nation.

Derivatives enable companies to unbundle and transfer risk to those entities who are willing and able to accept it. By doing so, efficiency is enhanced as firms are able to concentrate on their core business objectives. A farmer can purchase a futures contract, one type of derivative, in order to lock in a price for his crop at harvest. The profits earned overseas can fluctuate with changes in currency values, which can minimize this uncertainty through derivatives, allowing them to focus on the business of building cars. Banks significantly lessen their exposure to interest rate movements by entering into derivatives contracts known as swaps, which enable these institutions to hedge their risk by exchanging variable and fixed rates of interest.

Signed in 1974, the Commodity Exchange Act requires that futures contracts be traded on a regulated exchange. As a result, a futures contract that is traded off an exchange is illegal and unenforceable. When Congress enacted the CEA and the Commodity Futures Trading Commission (CFTC) to enforce it, this was not a concern. The meanings of ‘futures’ and ‘exchange’ were relatively apparent. Furthermore, the over-the-counter derivatives business was in its infancy. However, the 26 years since the CEA's creation, the OTC swaps and derivatives market, sparked by innovation and technology, has significantly outpaced the exchange-traded futures markets. And along with this expansion, the definitions of a swap and a future began to blur.

In 1998, the CFTC released a concept release on OTC derivatives, which was seen as a precursor to regulating these instruments as futures. Just the threat of reaching this conclusion could have had considerable ramifications, given the size and importance of OTC. The legal uncertainty interjected by this dispute jeopardized the entire OTC market and threatened to move significant portions of the business overseas. If we were to lose this market, most likely to London, it would take years to bring it back to U.S. soil. The resulting loss of business and jobs would be immeasurable.

This threat led the Treasury Department, the Federal Reserve, and the SEC to oppose the concept release and request that Congress enact a moratorium on the CFTC’s ability to regulate these instruments until after the President’s Working Group (PWG) could complete a study on the issue. As a result, Congress passed a six-month moratorium on the CFTC’s ability to regulate over-the-counter derivatives. Despite reservations, I supported this moratorium because it brought legal certainty to traders and set the foundation that it allowed the President's Working Group time to develop recommendations on the most appropriate legal treatment of OTC derivatives. In November of 1999, the President’s Working Group completed its unanimous recommendations on OTC derivatives and presented Congress with these findings.

This legislation adopts much of the recommendations of the PWG report. Our bill contains three mechanisms for ensuring that legal certainty is attained and that certain transactions remain outside the Commodity Exchange Act. The first, the electronic trading facility exclusion, would exclude from this category all electronic trading facilities. The second would exclude these transactions if (1) they are conducted: (1) on a principal to principal basis; (2) between institutions or sophisticated persons with high net worth; and (3) on an electronic trading facility. The second would exclude these transactions if (1) they are conducted between institutions or sophisticated persons with high net worth; and (2) they are not on a trading facility. The third exclusion clarifies the distinction between a clearing facility. A clearing facility is a Derivatives Transaction Execution Facility (DTEF) if the products being offered are not susceptible to manipulation and are traded among institutional customers or retail customers. Our bill would allow a board of trade that is designated as a contract market would receive the highest level of regulation due to the fact that these products are susceptible to manipulation or are offered to retail customers. Futures on agricultural commodities would fall into this category. This bill also sets out that in lieu of contract market designation, a board of trade may register as a Derivatives Transaction Execution Facility (DTEF) if the products being offered are not susceptible to manipulation. A DTEF is a board of trade that is a DTEF or an XBOT to opt to trade derivatives that are otherwise excluded from the Act, if the users of the exchange are limited to agricultural commodities; and the products being traded are agricultural commodities.

As part of this legal certainty section, our legislation also addresses the concern that excluding OTC derivatives from the futures laws will invite the SEC to regulate these products as securities. With Senator Gramm's leadership, this legislation would adopt language that would ensure that these products maintain their current regulatory status and remain healthy and competitive.

The second major section of this legislation addresses regulatory relief. In February of this year, the CFTC issued a regulatory relief proposal that would provide relief to futures exchanges and their customers. Instead of listing specific requirements for complying with the CEA, the proposal would require exchanges to meet internationally agreed-upon core principals. The CFTC proposal creates tiers of regulation for exchanges based on whether the underlying commodities being traded are susceptible to manipulation or whether the users of the exchange are limited to institutional customers.

The legislation incorporates this framework. A board of trade that is designated as a contract market would receive the highest level of regulation due to the fact that these products are susceptible to manipulation or are offered to retail customers. Futures on commodity exchanges would fall into this category. This bill also sets out that in lieu of contract market designation, a board of trade may register as a Derivatives Transaction Execution Facility (DTEF) if the products being offered are not susceptible to manipulation. A DTEF is a board of trade that is a DTEF or an XBOT to opt to trade derivatives that are otherwise excluded from the Act, if the users of the exchange are limited to agricultural commodities; and the products being traded are agricultural commodities.
and the CFTC on stock index futures and other options.

Meant as a temporary agreement, many have suggested that the Shad-Johnson accord should be repealed. The President’s Working Group unanimously agreed that the Accord can be repealed if regulatory disparities are resolved between the regulation of futures and securities. Recently, the General Accounting Office (GAO) released a report that found that there is no legitimate policy reasons for maintaining the ban on single stock futures since they are being traded in foreign markets, in the OTC market, and synthetically in the options markets. Senator Gramm, chairman of the Senate Banking Committee, and I sent a letter in December requesting the CFTC and the SEC to make recommendations on reforming the Shad-Johnson. On March 2, the SEC and CFTC responded that, although progress had been made, agencies could not resolve these issues before October. Disappointment with this answer led Senator Gramm and I to once again ask SEC Chairman Arthur Levitt and CFTC Chairman Bill Rainer to attempt to resolve the problems surrounding lifting the ban. Unfortunately, the agencies were not able to reach an agreement within our timeframe.

This legislation would repeal the prohibition on single stock futures and narrow-based stock index futures. It would allow these products, termed designated futures on securities, to trade on either a CFTC-regulated contract market or a registered national securities exchange or association. The SEC would maintain its insider trading and antifraud enforcement authority over these products traded on a contract market and the CFTC would keep its prudential regulation authority, including large trader reporting, over these products traded on a national securities exchange or association. Margin levels on these products would be harmonized with the options on securities. A bill would be sent to the regulators with one year after enactment to resolve any remaining issues.

The goal of this legislation is to ensure that the United States remains a global leader in the derivatives marketplace and that these markets are appropriately and effectively regulated. Due to the shortened legislative calendar in this election year, it will be difficult to get a bill written and passed with momentum and a strong base of support. If Congress fails to enact a bill, we will begin the debate again next year. However, in this technology-driven economy, a one-year delay is an eternity. Legislation on this bill will remain and our futures markets will continue to lose market share due in part to an outdated regulatory structure. For this reason, it is imperative that Congress enact thoughtful legislation this year when it has a golden opportunity to do so.

I ask unanimous consent that a section by section analysis of this bill be included in the Record immediately after my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS. The Act is entitled the Commodity Futures Modernization Act of 2000.

SEC. 2. PURPOSES. The Act sets forth 8 purposes for the bill including reauthorizing and streamlining the Commodity Exchange Act (CEA); eliminating unnecessary regulation where the jurisdiction of the CFTC over certain retail foreign currency transactions; transforming the role of the Commodities Futures Trading Commission (CFTC) into that of an administrative entity in the federal regulatory framework for the trading of futures on securities; promoting innovation and reducing systemic risk for futures and over-the-counter (OTC) derivatives; allowing clearing of OTC derivatives and enhancing the competitive position of the U.S. financial institutions and markets.

SEC. 3. DEFINITIONS. Section 2(a) lists 8 definitions to section 1(a) of the CEA for the following terms: derivatives clearing organization; designated contract market; electronic trading facility; eligible contract participant; energy commodity; exclusion-eligible commodity; exempted security; financial institution; hybrid instrument; national securities exchange; organized option exchange; registered entity; security; and trading facility.

SEC. 4. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES AND CERTAIN OTHER COMMODITIES. Strikes 2(a)(1)(A)(ii) (the current law treatment) and replaces it with a new subsection 2(c), which states that nothing in the CEA applies to transactions in foreign currency, government securities and other similar instruments unless these instruments are futures traded on an organized exchange. The bill defines “organized exchange” as a trading facility that either allows retail customers, permits agency trades, or has a self regulatory role. Subparagraph (2)(B) provides that transactions in options on a security and trading facility; eligible contract participant; energy commodity; exclusion-eligible commodity; exempted security; financial institution; hybrid instrument; national securities exchange; option organized exchange; registered entity; security; and trading facility.

SEC. 5. LEGAL CERTAINTY FOR OVER-THE-COUNTER TRANSACTIONS. Amends section 2 of the CEA to create a new subsection 2(d), which provides two exceptions from the CEA for over-the-counter (OTC) transactions. Section 2(d)(1) provides that nothing in the CEA applies to transactions in an exclusive-eligible commodity if the transaction: (1) is between eligible contract participants (large, institutional entities) and (2) is not executed on a trading facility. The second exclusion in paragraph (d)(2) provides that nothing in the CEA applies to transaction in an exclusion-eligible commodity if the transaction: (1) is entered into on a principal to principal basis between parties trading for their own accounts; (2) is between eligible contract participants (large, institutional entities) and (3) is executed on an electronic trading facility. Paragraph (d)(3) provides that derivatives on energy commodities (i.e., energy swaps that have been excluded from the CEA) would be subject to anti-manipulation provisions of the CEA.

SEC. 6. EXCLUSION OF ELECTRONIC TRADING FACILITIES. Amends section 2 of the CEA to create a new subsection 2(e) that provides that trading instruments that are otherwise excluded from electronic trading facility does not subject the transactions to the CEA. Paragraph (c)(2) states that nothing in the DEA shall prohibit a contract market or derivatives transaction execution facility from establishing and operating an excluded electronic trading facility.
set margin and delegate this authority. The paragraph would allow the Federal Reserve to create a three member board consisting of members of the CFTC, SEC and the Federal Reserve to determine margin levels on designated futures on securities.

SEC. 9. PROTECTION OF THE PUBLIC INTEREST. Replaces current section 4c of the CEA with (new provision) sec. 4c(a)(3)(B) to allow futures commission merchants to trade futures off the floor of a futures exchange whenever the board of trade allows such transactions and the FCMS report, record and clear the transactions in accordance with the rules of the contract market or derivatives trading execution facility.

SEC. 10. DESIGNATION OF TRADE AS CONTRACT MARKETS. Strikes current law sections 5 and 5a and adds a new section 5 containing criteria that boards of trade must meet in order to be designated as a contract market. Subsection (b) contains criteria that boards of trade must meet in order to be designated as a futures commission merchant. The subsection would require the commodity futures trading commission to keep records and make them available at any time in order to enforce its rules and enabling the board of trade to obtain information in order to enforce its rules.

SEC. 11. DESIGNATION OF BOARDS OF TRADE. Makes several changes to open agricultural contracts. Amends the CEA to create a new section 5c that contains provisions for the designation of contract markets and captures information that would require the CFTC to pre-approve rule changes affecting all registered entities (contract markets, derivatives transaction execution facilities and derivatives clearing organizations).

SEC. 12. DERIVATIVES TRANSACTION EXECUTION FACILITIES. Amends the CEA by adding a new section 5a authorizing a new trading designation, derivatives transaction execution facility (DTED). Under (b), a board of trade may elect to operate as a DTED rather than an exempt board of trade if it meets the DTED designation requirements. A registered DTED may trade any non-designated futures contract if the trade is on a designated contract market. Subsection (c) provides requirements for boards of trade that wish to register as DTEDs, including establishing and enforcing rules that will deter abuses and provide market participants impartial access to the markets and capture information that would enable the CFTC to define trading procedures to be used; and provide for the financial integrity of DTED transactions.

SEC. 13. DERIVATIVES CLEARING ORGANIZATIONS. Amends the CEA to create a new section 5b containing criteria that a clearing organization must meet in order to register with the CFTC. Subsection (e) provides that existing exempt boards of trade on a designated contract market will be grandfathered in as a derivatives clearing organization under the CEA.

SEC. 14. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES. Amends the CEA to create a new section 5c that contains provisions for (1) market participants (with changes made in the bill), (2) the commodity underlying the futures contract has an inexhaustible deliverable supply, is not subject to manipulation, and preempts other laws in the case of transactions affecting all registered entities (contract markets, derivatives transaction execution facilities and derivatives clearing organizations). Subsection (a) would allow the CFTC to issue or approve interpretations to describe what would constitute an acceptable business practice under the core principles for registered entities.

Subsection (b) would allow a registered entity to delegate its self regulatory functions to a registered futures or derivatives clearing organization while specifying that responsibilities for carrying out these functions remain with the registered entity. Subsection (c) would enable the registered entity to trade new products or adopt or amend rules by providing the CFTC a written certification that the new rule or amendment complies with the CEA. This subsection would allow a registered entity to request that the CFTC issue or approve interpretations to describe what would constitute an acceptable business practice under the CEA.

SEC. 15. EXEMPT BOARDS OF TRADE. Amends the CEA to create a new section 5d regarding exempt boards of trade. Under subsections (a) and (b), futures contracts traded on an exempt board of trade would be exempt from the CEA (except section 2g regarding equity futures) if (1) participants are eligible and (2) the commodity underlying the futures contract has an inexhaustible deliverable supply, is not subject to manipulation, or has no cash market. Subsection (c) would require the CFTC to pre-approve rule changes to open agricultural contracts.

SEC. 16. SUSPENSION OR REVOCATION OF DESIGNATION AS CONTRACT MARKET. Designates current section 30b as 3d and amends it to authorize the CFTC to suspend or revoke the designation of a registered entity for 180 days for any violation of the CEA.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS. Amends section 212(d) of the CEA by striking 2000 and reauthorizing appropriations through fiscal year 2005.

SEC. 18. PREAMBLE. Rewrites paragraph 12(e)(2) of the CEA for clarity and to conform with changes made in the bill. Re-states the current provisions that the CEA supercedes other laws. Also amends other laws to authorize transactions conducted on a registered entity or subject to regulation by the CFTC (even outside the United States), and adds that in the case of excluded or covered by a 4(c)
exemption, the CEA supersedes and preempts state gaming and bucket shop laws (except for the anti-fraud provisions of those laws that are generally applicable).

S. 22. TECHNICAL AND CONFORMING AMENDMENTS. Makes technical and conforming amendments throughout the CEA to reflect changes made by the bill.

S. 23. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES. Amends section 22 of the CEA to provide a safe harbor so that transactions will not be voidable based solely on the failure of the transaction to comply with the conditions of an exclusion or exemption from the Act or CFTC regulations.

S. 24. EFFECTIVE DATE. The Act takes effect one year after enactment.
mile closed-circuit telephone system between seven state hospitals in Nebraska, Iowa, North Dakota, and South Dakota. Health care providers at the hospitals held weekly teleconferencing lectures via this system. By 1961, the system also included radio and television, and psychiatrists successfully used it to care for patients under a program called "telepsychiatry."

At about the same time, radiologists in Montreal had a coaxial cable laid between two hospitals three miles apart, thus connecting them for audio and video communications. Doctors were regularly transmitting radiographic images to each other to consult on difficult cases and to conduct educational conferences.

As a result of these two projects, patients were treated by physicians who were, in some cases, hundreds of miles away. The medical profession was able to share information and ideas, which improved healthcare in this country and around the world.

Unfortunately, such "telemedicine" links are very few, even though our ability to transmit data has increased. Why? Because there is no nationwide high-speed data-transfer infrastructure. Instead, the standard business Internet speed in rural areas is 56,000 bits per second. What can be done at that speed? Printed matter can be sent and received reasonably quickly. But photographs or graphics, requiring 10 times the bandwidth, cannot be sent with good image quality. More advanced uses, such as video conferencing, are out of the question. At faster Internet speeds of, say, 200,000 to 300,000 bits per second, information can be sent much faster. Photographs and graphics leap to the screen, instead of crawling. Video conferencing is also possible, although jointer images and low image resolution make it impractical. Music and movies can be downloaded slowly to a compact disk.

At about the same time, television data-transfer speeds—about 1.5 million bits per second—array the amount and quality of information that can be transmitted becomes quite good. Good video conferencing is possible. Two or more people in different places can see and talk to each other as if in the same room, at a crisp image resolution and without image jitter.

And at even higher speeds, extraordinarily rich images of movement, color, and sound can be transmitted. It is as if one were looking at them in person. Complex medical images can be sent and received. At twenty million bits per second, a digitized mammography image can be transmitted in about fifteen seconds, and a standard chest x-ray can be done in about three seconds. Twenty million bits per second is about 360 times faster than the fastest speeds available on a conventional modem attached to a Plain Old Telephone Service, or, as I am told, POTS. A modem attached to a Plain Old Telephone Service (POTS) is limited to 2400 bits per second. A standard chest x-ray can be transmitted in about fifteen seconds, and a digitized mammography image can be transmitted in about fifty seconds. At twenty million bits per second, a digitized mammography image can be transmitted in about fifteen seconds, and a standard chest x-ray can be done in about three seconds.

Imagine the tremendous personal and economic benefits our nation will reap with universal high-speed communications access, including telemedicine; education; teleconferencing at all education levels; electronic commerce in low-income and rural communities; digital photography; and entertainment video. As a result, we will enjoy greater educational opportunities, greater geographic freedom, increased access to areas, and even decreased urban congestion.

So if the benefits are so great and the capability exists, why are these technologies not widely available? Simple economics. It is much more lucrative to provide services to business customers. Although a few affluent individuals in urban areas have high speed Internet access, the great majority of Americans are limited to extremely slow communication to or from all at all. It is too expensive for the government to step in at this time and provide an incentive to stimulate deployment of high-speed communication service to residential areas and small businesses, especially in rural and low-income and poverty areas of the country.

The Rural Utilities Service is a federal credit agency within the Department of Agriculture that helps rural areas finance electric, telecommunications, water, and waste water projects. Its lending creates public-private partnerships to finance the construction of infrastructure in rural areas. Working in partnership with rural telephone cooperatives and companies, the Department of Agriculture has been a leader in rural America. In 1999, the Rural Utilities Service provided telephone service from 20 percent in 1950 to more than 95 percent in 1999.

The federal government funded 90 to 100 percent of the cost of building the interstate highway system. The Federal Aid Highways Act of 1956 initiated a nationwide program that aimed to be completed within 20 years. The bulk of the program was completed within this time period, although full implementation was not achieved until the early 1990s.

In the 1930s, the airline industry—much like today’s Internet start-ups—was operating at a loss. Believing airline service to be both unique and necessary, the federal government stepped in with an airmail subsidy in 1938, and this federal funding made the industry instantly profitable. The airline industry then flourished, and the subsidy was removed in the mid 1950s. In 1978, the late Mancur Olson, an esteemed economist, cautioned that the ingredients of both technology and democracy is intimate. . . . Experimentation, variety, optimism: these are the ingredients of both technology and democracy.
American. I urge the Senate to support this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill and letters of support from a number of organizations appear in the Record.

The Acting President pro tempore, Mr. Dicklain, ordered the material to be printed in the Record, as follows:

S. 2698

BEIT 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 ‘‘Broadband Internet Access Act of 2000’’.

SEC. 2. FINDING AND PURPOSE.

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

(1) The Internet has been the single greatest contributor to the unprecedented economic expansion experienced by the United States over the last 8 years.

(2) Increasing the speed that Americans can access the Internet is necessary to ensure the continued expansion.

(3) Today, most residential Internet users, especially those located in low income and rural areas, are extremely limited in the type of information they can send and receive over the Internet because their means of access is limited to ‘‘narrowband’’ communication—typically conventional phone lines at a maximum speed of 56,000 bits per second.

(4) Similarly, small businesses in low income and rural areas are also deprived of full information access because of their dependence on narrowband facilities.

(5) By contrast, many residential users located in higher income urban and suburban areas and urban business users can access the Internet from a variety of carriers at current generation broadband speeds in excess of 1,500,000 bits per second, giving them a choice among carriers and high-speed access to a wide array of audio and data applications.

(b) PURPOSE.—The purpose of this Act is to accelerate deployment of next generation broadband services and to accelerate deployment of next generation broadband access for all Americans.

(c) ACCOMPLISHMENT.—In order to accomplish the purposes of this Act, the Congress finds it necessary to:

(1) accelerate deployment of current generation broadband services and next generation broadband services through qualified equipment; and

(2) ensure the continued expansion.

(d) DEFINITIONS.—For purposes of this section:

(1) the current generation broadband credit, plus

(2) the next generation broadband credit.

(3) OFFER OF SERVICES.—For purposes of this section—

(a) the offer of services required under subsection (b)(2) and other subsections of this section; and

(b) the offer of services by a cable operator.

(4) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘‘commercial mobile service carrier’’ means any person authorized to provide commercial mobile radio service as defined in section 203 of title 47, Code of Federal Regulations.

(5) NEXT GENERATION BROADBAND SERVICE.—The term ‘‘next generation broadband service’’ means the transmission of signals at a rate of at least 1,500,000 bits per second to the subscriber and at least 100,000,000 bits per second from the subscriber.

(6) NONRESIDENTIAL SUBSCRIBER.—The term ‘‘nonresidential subscriber’’ means a person or entity that purchases broadband services which are delivered to the permanent place of business of such person or entity.

(7) OPEN VIDEO SYSTEM OPERATOR.—The term ‘‘open video system operator’’ means a person or entity which provides broadcast services which are delivered to the permanent place of business of such person or entity.

(8) OTHER WIRELESS CARRIER.—The term ‘‘other wireless carrier’’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband services to subscribers through the radio transmission of energy.

(9) PACKET SWITCHING.—The term ‘‘packet switching’’ means conditioning or routing the path of a digitized transmission signal which is assembled into packets or cells.

(10) QUALIFIED EQUIPMENT.—The term ‘‘qualified equipment’’ means equipment capable of providing current generation broadband services or next generation broadband services at any time to each subscriber who is using such services.

(11) QUALIFIED INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C), equipment shall be taken into account under subparagraph (A) only to the extent it—

(i) extends from the last point of switching to the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna on the outside of the unit, building, dwelling, or office owned or leased by the subscriber in the case of a telecommunications carrier);

(ii) extends from the customer side of the mobile telephone switching office to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a commercial mobile service carrier;

(iii) extends from the customer side of the mobile television switching office to the outside of the building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

(iv) extends from the customer side of the mobile television transmission/receive antenna (including such antenna) which transmits and receives signals to or from
multiple subscribers to a transmission/receiver antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a residential subscriber or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) uniquely designed to perform the function of packet switching for current generation broadband services and next generation broadband services, but such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

(11) QUALIFIED EXPENDITURE.—

(A) IN GENERAL.—The term 'qualified expenditure' means any amount chargeable to capital account with respect to the purchase and installation of qualified equipment (including any equipment added thereto) for which depreciation is allowable under section 168.

(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the purchase of space, timesharing, or ownership in any satellite equipment.

(12) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual’s dwelling.

(13) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

(14) SATELLITE CARRIER.—The term 'satellite carrier' means any telecommunications carrier delivering broadband services.

(15) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

(16) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(40) of the Communications Act of 1934 (47 U.S.C. 153(40)), but—

(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

(B) does not include a commercial mobile service carrier.

(17) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to such a market area as to ensure that each class of carrier receives the same level of financial incentive to deploy current generation broadband services and next generation broadband services.

(b) STUDY AND REPORT.—The Secretary of the Treasury shall, within 180 days after the effective date of section 3, study the impact of the credit allowed under section 48A of the Internal Revenue Code of 1986 (as added by section 3) on the relative competitiveness of potential classes of carriers of current generation broadband services and next generation broadband services, and shall report to Congress the findings of such study, together with any legislative or regulatory proposals determined to be necessary to ensure that the purposes of such credit can be furthered without impacting competitive neutrality among such classes of carriers.

MCI WorldCom,


Hon. Daniel Patrick Moynihan,

Chairman, Senate Finance Committee,

Washington, D.C.

Dear Senator Moynihan: Thank you for your leadership in advancing the deployment of broadband technology to rural and underserved areas of the country. WorldCom, a leading Internet broadband provider, believes broadband technology will improve the quality of life for millions of Americans and assist in maintaining this country’s leadership in the worldwide information technology marketplace. Your support of our efforts to modernize communications infrastructure dates at least to the Tax Reform Act of 1986, when you supported legislation designed to enhance advanced telecommunications investment.

Electronic commerce and its Internet medium is a thriving environment. More jobs, more domestic productivity, and more wealth have been created on the Internet than any other single innovation in recent memory. Electronic commerce continues to grow apace, creating increased need for continuing development and deployment of communications technologies.

Your proposal, Senator Moynihan, is designed to support that deployment and development at an advanced level. It is designed not only to accelerate deployment of existing broadband technology, but also to encourage development and deployment of next generation broadband technologies as well. Acceleration is important. Persons needing distance education cannot wait while job opportunities pass them by; businesses facing competitive pressure cannot wait to engage in the latest Internet-based inventory planning; rural residents with a great idea for a new dot.com need high-speed connectivity; and persons suffering from serious disease far from telemedicine need current broadband technologies.

WorldCom appreciates your effort to support this critical technology and supports your efforts through its strong advocacy of the Internet Access Act of 2000. While we would like to see a proposal broader than the "last mile", your bill initiates this all-important process.

Sincerely,

[Signature]

Chief Legislative Counsel.
Dear Senator Moynihan:

Congratulations on your leadership in developing and introducing the Broadband Internet Access Act of 2000. I am writing to you with Bell Atlantic’s support and views regarding this important tax legislation. As Bell Atlantic is a leader in the deployment of broadband capability, particularly in the state of New York. As such, we are extremely familiar with the regulatory and financial hurdles associated with deploying broadband to all our business and residential customers. We believe that rapid deployment of this capability will provide the basis for sustained long-run economic growth in the economy. Our experience with the Internet has taught us that the convergence of communications and computing yields tremendous benefits for the economy in terms of productivity growth.

Unfortunately, other carriers and we face tremendous government hurdles as we roll out these capabilities. These hurdles arise from the unintended adverse effects of regulation on investment that, in turn, increase the degree of financial uncertainty associated with such investments. In other words, we face a regulatory problem and a financial problem in deploying broadband capability to our customers. The Broadband Internet Access Act helps to overcome these problems by encouraging Bell Atlantic and other carriers through financial incentives to proceed with these investments. More importantly, the targeted nature of the incentives will help us reach customers in rural areas and low-income areas that are otherwise difficult to serve because of the high cost of deployment and other factors.

The bill does not address the overwhelming regulatory issues, which Bell Atlantic continues to face. We encourage you to support legislation to address these problems as well as the financial issues that are addressed in the Broadband Act.

We encourage you to enact the Broadband Internet Access Act this year. We appreciate your leadership on this important issue.

Sincerely,

Thomas J. Tauke
Senior Vice President—Government Relations


Hon. Daniel Patrick Moynihan,
Ranking Minority Member, Senate Committee on Finance, Washington, DC.

Dear Senator Moynihan:

During the course of the past year, the term "digital divide" has quickly become the buzzword of choice among policymakers. Coincidently, it is somewhat coincidentally to describe the absence of communications availability to certain segments of the nation’s population, the term has been twisted to suggest that availability of the digital media is not equally available to everyone. Some have used the term “have” and “have-nots” is merely a rural vs. urban matter.

NTCA has vigorously moved to redirect the discussion by recognizing the achievements of small rural incumbent local exchange carriers (ILECs) in deploying advanced communications infrastructure and services. The fact is, when telecommunications networks are successful small rural ILECs in stepping up to what we feel is better described as the "Digital Challenge." Recent surveys show that in many cases, markets in which telecommunications networks are more technologically advanced than their larger, urban counterparts. Likewise, they are significantly more advanced than the rural markets served by the nation’s large ILECs. Other reports show that urban areas in general are not the "digital Mecca" many would like to believe them to be. The reality is that the markets of the nation’s small rural ILECs are anything but communications technology wastelands as many are portraying them to be.

Nevertheless, there remains a substantial amount of costly work to be done for all markets to be fully advanced service capable. For this reason, we commend your effort, vis-a-vis the Broadband Internet Access Act of 2000, to further stimulate deployment of broadband services by granting tax credits to telecommunications companies deploying advanced technologies. Furthermore, we sincerely appreciate your effort to recognize the special circumstances, with regard to tax credits, of the nation’s rural telecommunications cooperatives by the inclusion of the Special Rule for Mutual or Cooperative Telephone Companies.

In addition, there are several existing tools such as the universal service support program that, if allowed to function appropriately, could help offset the tremendous costs required for the deployment of advanced services. We continue to work with several of your colleagues to advance legislation that will allow us to provide the universal service program is allowed to function as the Congress envisioned in helping lead the deployment of new communications technologies and services.

It must be reiterated that small rural ILECs have long led the way in meeting the Digital Challenge by deploying new technologies not just to their most profitable customers, but to every individual within their market that wishes to receive service. With your assistance, the rural ILEC industry will continue to maintain its unparalleled record of service.

Sincerely,

Shirley Bloomfield,
Vice President, Government Affairs & Association Services.

BRISTOL BAY AREA HEALTH CORPORATION,


Hon. Patricia Daniel Moynihan,
Ranking Minority Member, Committee on Finance, U.S. Senate, Washington, DC.

Dear Senator Moynihan:

We are writing to indicate our support for your continued effort to pass the Broadband Internet Access Act of 2000. If passed, this legislation could significantly improve access of millions of Americans to the Internet and its valuable resources, including residents of rural Alaska communities.

We provide health care services to 34 remote Alaska communities, most of which can only be reached by small airplane. The availability of advanced telecommunications, including teledirnecine and improved Internet access would be beneficial in providing health education to villagers; would help reduce the isolation of health care providers, teachers and other professionals; and provide access to health care resources for everyone. It would also provide faster and less expensive access to all communication mediums.

We believe that remote, rural areas such as those that make up a large part of Alaska need and deserve the availability of affordable high-speed Internet services like urban communities currently enjoy. Without this availability, rural communities will continue to be socially and economically outpaced as the rest of the U.S. moves forward.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

Robert J. Clark,
President/CEO.


Hon. Patricia Daniel Moynihan,
Ranking Minority Member, Committee on Finance, U.S. Senate, Washington, DC.

Dear Senator Moynihan:

We are writing to encourage you to support in various ways the Broadband Internet Access Act of 2000. If passed, this important legislation could significantly improve the way millions of Americans gain access to health information and receive health care.

For many years the Imaging Sciences and Information Systems (ISIS) Center at Georgetown University has been a successful innovator of technologies that are used to improved health care providers and consumers in rural America.

Access to quality health care cannot be improved through development of more efficient technologies, alone. We, and with us many of our colleagues throughout America, believe financial incentives are necessary to correct current regulatory and market insufficiencies that inhibit access to emerging health services that increasingly rely on telecommunications and Internet connectivity to reach consumers. The creation of these incentives is outside the purview of the health sector and that is why we look to you and your Senate colleagues. You can help remedy the economic conditions that contribute to the growing “digital divide”, that made second class citizens out of underserved people throughout the country.

Specifically, we look to you for a remedy that will improve access and availability of telephone, cable, fiber optic, terrestrial, wireless, and satellite telecommunications services at bandwidth capacities sufficient to carry high resolution images, video and voice over the Internet, increasingly the preferred mode of delivery. We believe your proposed legislation addressed these problems through its 10% tax credit for deployment of "last-mile" current generation broadband capability to rural and underserved areas, and its 20% credit for "next generation" services.

Therefore we applaud your sponsorship of the Broadband Internet Access Act of 2000. We appreciate your vision and look to you and your colleagues in the Senate to rapidly pass this important legislation so that we can move on to a next generation of health care with improved quality, cost and access.

Thank you for an opportunity to express our support for your initiative. If you need any additional information, please call us at 202-687-7955 or at muno1s@mac.georgetown.edu.

Sincerely,

Duckwoon Ro, PhD,
Associate Professor.

Seong K. Mun, PhD,
Professor, Director of ISIS Center.

DEAR SENATOR MOYNIHAN: The United States Distance Learning Association supports the Broadband Internet Access Act of 2000 to be introduced by you.

As Executive Director of the association I want to assure you that our association applauds your initiative. The Congress of the United States has the opportunity to help deliver long needed Telecommunication Services to all Americans. This act will serve two purposes—increasing bandwidth availability and decreasing the well-documented Digital Divide.

Sincerely,

DR. JOHN G. FLORES, Executive Director.

Hon. DANIEL PATRICK MOYNIHAN, Ranking Minority Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am writing to endorse with enthusiasm the Broadband Internet Access Act of 2000 and to congratulate you for taking the important legislation.

As you may know, Corning is a leader in optical communications systems. As such, we have great confidence in the benefits that deployment of broadband to all Americans can confer on the economy and society as a whole. As Alan Greenspan has said many times, the Internet has contributed significantly to the ongoing economic expansion.

The rapid deployment of broadband access can extend the benefits of the Internet well into the future.

Unfortunately, broadband is being deployed very slowly in this country. Two specific problems have arisen. First, subscribers in rural and underserved low-income areas are unlikely to gain access to the current generation of broadband capability any time soon, giving rise to a "digital divide" between information haves and have-nots. Secondly, the deployment of next generation broadband capability will take 30 to 40 years in the current regulatory and financial environment. We think America can do better for its citizens by immediate enactment of the Broadband Internet Access Act of 2000.

We believe your legislation addresses these problems through its 10% tax credit for deployment of last-mile current generation broadband capability to rural and underserved areas, and its 20% credit of next generation technology more generally. These incentives will correct current regulatory and market failures that are inhibiting the investment in broadband.

Delays in the deployment are temporary, lasting only five years, a sufficient time to kick-start the deployment of the technology and to reduce costs in this very dynamic sector.

It is important to note that broadband infrastructure is a common good. As such, we believe that a well-designed initiative such as the Broadband Internet Access Act can cost effectively enhance the national welfare.

Again, I congratulate you for taking the leadership and for developing a creative initiative that will benefit the country for decades to come.

All the best,

ROGER ACKERMAN.
providing new opportunities in terms of educating our children and caring for the sick. However, those opportunities are available only to those communities with efficient and affordable access to high-speed lines.

High-speed services. As would be expected, telecommunications companies are deploying advanced networks initially in areas where there are lots of attractive consumers, but are often taking their time to build-out elsewhere, such as in low-income, urban, and rural areas. That’s why a downtown business consumer has a myriad of choices for high-speed access. And most residential consumers living in reasonable well-off urban and suburban areas also have a choice. However, many, many regions of our country still have little or no ability to obtain high-speed access to the Internet.

According to the Massachusetts Technology Collaborative, of the 351 towns in Massachusetts, only 46 are wired to receive high-speed DSL Internet service, and only 145 are wired to receive high-speed cable modem service. Significantly, 151 towns have no DSL or cable modem option, only 56 kilobits per second Internet service. Moreover, this situation is not expected to change anytime soon. The Legg Mason Precursor groups estimates that even three or four years down the road, half of America will have either one or zero broadband options to choose from.

We need to address this problem in order to ensure that no area is left behind—to ensure that all Americans are able to benefit from our new high-tech economy. Many telecommunications companies legitimately argue that deploying in certain areas makes little sense because the opportunity to recoup the investment is so small. It’s time we listened and offered an economic incentive to change the equation. To this end, our bill establishes a guaranteed tax credit for companies willing to deploy and offer 1.5 megabit high-speed Internet service in rural and low-income urban areas. We are advocating such an approach because we have heard from industry that this will provide a needed incentive to develop in areas that are presently neglected. Significantly, this credit is open to all companies be they telephone or cable, wireline or wireless, MDDS or satellite. The bill is comprehensive in encouraging wide spread deployment, and is absolutely technology neutral.

Mr. President, our legislation addresses not only the digital divide that exists today, but also looks to the future and to the next generation of high-speed services. The next generation of advanced services will require substantially higher transmission speeds like 4 megabits for one channel of standard television, 20 megabits for one channel of high-definition television, and 10 to 100 megabits for Ethernet data. These transmission speeds can only be achieved with more advanced technology such as fiber optics, very high speed digital subscriber line, 50-home node cable modems, and next-generation wireless.

The services available at such speeds will truly revolutionize and improve our daily lives. However, according to the American Enterprise Institute, at the current rate of deployment, such advanced technology will not achieve universal penetration until somewhere between 2030 and 2040. Furthermore, such delay may seriously undermine leadership in technology. Indeed, according to a recent report in the Wall Street Journal, the Japanese company NTT will start bringing optical fiber lines directly to homes in Tokyo and Osaka by the end of this year. Such networks will have capabilities of up to 10 megabits downstream—several times faster than most of the high-speed services offered today in America.

Such Internet capability will transform American’s lives in ways we can only imagine today. Children will download educational video in real time on nearly any subject. Adults can train for new jobs from their homes. Complex medical images such as MRIs and x-rays that today take several minutes to download can be transmitted in a matter of seconds. Telecommuting, business teleconferencing and personal communication will all rise to new levels.

To accelerate the roll-out of such next-generation systems in the US, we propose to establish a 20 percent tax credit for companies that deploy systems capable of providing 22 megabit downstream/10 megabit upstream service to residential consumers everywhere and business consumers in low-income urban and rural areas. Such bits speeds will allow for different users in a home to simultaneously watch 3 different channels of digital television and utilize high-speed Ethernet connections to their personal computer. Mr. President, this measure is intended to begin the debate in the Senate on how best to address the growing digital divide and to accelerate the deployment of next-generation technologies across our nation. I want to thank Senator Moynihan for his extraordinary leadership on this issue and his staff for their continued hard work in crafting this bill. I also wish to commend Senators Rockefeller and Snowe for their work on tax credit legislation which we incorporate and expand on in this bill. Finally, I wish to extend my gratitude to all the members of industry who worked with us over these past few months in crafting this bill. Clearly, this is a very complex topic and we are continuing to work to find the right solution. I look forward to continuing our partnership and to passing meaningful legislation this year.

The challenge today is extraordinary—its implications absolutely unmistakable for our country. Too often we talk about a digital divide in the United States as if it were unchangeable, as if it were a simple fact of life in this nation that some communities will be empowered by technology while others will be left behind. But this is a false choice—and we ought to be doing everything in our power as policy makers to bring the benefits of the wireless industry, to offer a new choice: every community connected to the next technology, every citizen provided with the tools to make the most of their own talents in the New Economy.

The Broadband Internet Access Act of 2000 is not a panacea for every challenge before us in the New Economy; significant questions of education reform workforce development, and technology training must be resolved and reinvented before mere access to technology will allow full participation for every citizen in the Information Age. But Mr. President, I ask that—as we work in a bipartisan way to address those other vital areas of public policy— we remember the lessons of our nation’s history and take this absolutely critical first step towards meeting the most basic needs of any community—a connection to the New Economy.

Mr. BAUCUS. Mr. President, I am very pleased today to join with Senator Moynihan in introducing the Broadband Internet Access Act of 2000. This legislation provides a tax incentive to stimulate rapid deployment of high-speed communication services to residential, rural, and low-income areas.

Although our nation continues to experience a period of unprecedented economic growth, it is important to remember that this growth is not shared evenly throughout the country. My State, Montana, is unfortunately an example of areas in which the economy continues to lag behind the rest of the nation. Montana is ranked last in per capita earned income and first in the nation for poverty and on 80 percent of the people in single parent households. Our children and grandchildren are constantly faced with a difficult dilemma—will they be able to find jobs in Montana, where they can continue to enjoy living in “the last great frontier”, or will they be forced to move elsewhere just to be able to earn a decent wage. More and more of them are choosing to leave, costing Montana some of her best and brightest young people, and along with them much of our human capital for the future.

One of the keys to turning our State’s economy around is to make sure the appropriate infrastructure is in place so that we can attract the kinds of businesses that will provide jobs for ourselves and our children. I have worked for years as ranking member of the Environment and Public Works Committee to ensure that Montana and other rural states receive our fair share of highway construction funds, so that the transportation infrastructure of our great State can support economic growth.

But today’s economy is not just about bricks and mortar. Technology is
 transformed traditional ways of doing business, as it is creating entirely new forms of business that never existed before. And high-speed Internet access is the key to advancing technological growth.

The Broadband Internet Access Act of 2000 provides graduated tax credits for deployment of high-speed communications to residential and rural communities. It gives a 10 percent credit for the deployment of at least 1.5 million bits per second downstream and 200,000 bits per second upstream to all subscribers—residential, business, and institutions—in rural and low income areas. This is what we call the “current generation” broadband. The bill also gives a 20 percent credit for the deployment of at least 22 million bits per second downstream and 10 million bits per second upstream to all subscribers in rural and low income areas, and to all residential customers in other areas. This is what we are calling “next generation” broadband. Mr. President, as we look around us today and see the many streets that are being torn up to lay cables for high-speed communication, and the communities that are constantly “sprouting” from our buildings, we may wonder why we need a tax credit to advance an industry that is already growing by leaps and bounds. The reason, again, is that this growth is more extensive in selected areas. Market forces are driving deployment of high-speed communication capabilities almost exclusively to urban businesses and wealthy households. Rural businesses and rural families like those in Montana again find themselves at the back of the line. And by the time our turn comes for this technology, the rest of the country will already be well into the next technological generation. The Digital Divide, which is already a wedge between our citizens, will be perpetuated and grow into a chasm. Which have contributed significantly to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

Mr. President, in 1997, I introduced S. 600, the Personal Privacy Information Act, with Senator Grassley after watching in dismay as one of my staff downloaded my own Social Security number off of the Internet in less than three minutes. Nothing much has changed. For a mere $45, one can go online and purchase a person’s Social Security number from a whole host of web businesses—no questions asked. Why is it so important to stop the commercial sale of individuals’ personal Social Security numbers? Once a criminal has a potential victim’s Social Security number, that person becomes extremely vulnerable to having his or her identity tracked and his or her identity stolen.

The Social Security number is the Nation’s de facto national identifier. It is a key to one’s public identity. The Federal Government uses it as a taxpayer identification number, the Medicare number, and as a soldier’s serial number. States use the Social Security number, and we asked how a credit card was issued in her name despite false information on the application, the companies said they only look to “see that the name and the Social Security number match.”

Another California constituent, Michelle Brown of Hermosa Beach, informed me that a criminal used her Social Security number to fraudulently assume her identity. The perpetrator rented a total of 134 items, including a $32,000 truck and $5,000 worth of liposuction. In addition, the perpetrator used Michelle’s identity to establish wireless and residential telephone service, utilities service, and to obtain a year-long residential lease. Michelle notes that she has spent hundreds of hours trying to restore her good name and has endured “weeks of sleepless nights, suffering from nearly no appetite, and nerve-shattering moments of my life spinning out of control.”

In another case, a retired air force officer was falsely billed for $113,000 on 33 different credit accounts after identity theft victims published jointly by the Privacy Rights Clearinghouse and CALPIRG, the average identity theft victim has fraudulent charges of $38,000. Mr. President, I am pleased to today join the Alliance for Telecommunication and the Vice President, in introducing the Social Security Number Protection Act of 2000.

This legislation is designed to curb the unrestricted sale and purchase of Social Security numbers, which have contributed significantly to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes. The Social Security number is the Nation’s de facto national identifier. It is a key to one’s public identity. The Federal Government uses it as a taxpayer identification number, the Medicare number, and as a soldier’s serial number. States use the Social Security number, and we asked how a credit card was issued in her name despite false information on the application, the companies said they only look to “see that the name and the Social Security number match.”

Thus, a criminal who purchases a Social Security number is well on his way to fraudulently obtaining numerous services in the name of an unsuspecting American. Partly due to this unrestricted traffic in Social Security numbers, our country is facing an explosion in identity theft crimes. The Social Security Administration recently reported that it had received more than 30,000 complaints about the misuse of Social Security numbers, last year, most of which have had to do with identity theft. This is an increase of 350% from 1997, when there were 7,868 complaints. In total, Treasury Department officials estimate that identity theft causes between $2 and $3 billion in losses each year—just from credit cards.

According to a recent survey of identity theft victims published jointly by the Privacy Rights Clearinghouse and CALPIRG, the average identity theft victim has fraudulent charges of $38,000. Mr. President, in 1997, I introduced S. 600, the Personal Privacy Information Act, with Senator Grassley after watching in dismay as one of my staff downloaded my own Social Security number off of the Internet in less than three minutes. Nothing much has changed. For a mere $45, one can go online and purchase a person’s Social Security number from a whole host of web businesses—no questions asked. Why is it so important to stop the commercial sale of individuals’ personal Social Security numbers? Once a criminal has a potential victim’s Social Security number, that person becomes extremely vulnerable to having his or her identity tracked and his or her identity stolen.

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thieves stole his Social Security number. He and his wife have dealt with over a dozen third party collection agencies. They are also being sued by a furniture store in Texas and have had five automobiles purchased in their names.

I am pleased to work with the Administration on this bill because no one should seek to profit from the sale of Social Security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the person to whom these numbers are assigned.

What would this bill do? The Social Security Number Protection Act would impose criminal and civil penalties for the sale and purchase of Social Security numbers. Specifically, it would direct the Federal Trade Commission to issue regulations prohibiting this sale.

The legislation would direct the FTC to permit exceptions to this ban in a very narrow range of circumstances, including situations where the individual's health and safety, for research or public health purposes, and where the use of the Social Security number is for a lawful purpose and is unlikely to result in serious bodily, emotional, or financial harm of a Social Security number holder.

Mr. President, I think this is a very important bill to move forward. The bill is carefully drawn. It simply prevents the sale of Social Security numbers for profit, which can result in enormous wrongdoing to the individual Social Security number holder.

Mr. President, I rise today to introduce the Brownfields Revitalization and Environmental Restoration Act of 2000, S. 2700. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2000

Mr. CHAFEE. I rise today to introduce the Brownfields Revitalization and Environmental Restoration Act of 2000 together with Senator LAUTENBERG, Senator SMITH of New Hampshire, and Mr. BAUCUS.

S. 2700. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Environment and Public Works.

PROBLEM: Investors do not clean up brownfield sites because for fear that EPA will "second-guess" their actions. Brownfields are typically older commercial or industrial properties at which development is hindered by the presence—or even the potential presence—of contaminants. Countless numbers of brownfield sites blight our communities, pose health and environmental hazards, erode our cities' tax base, and contribute to urban sprawl. In fact, the U.S. Conference of Mayors has estimated that more than 450,000 brownfield sites exist nationally. But, we stand to reap enormous economic, environmental, and social benefits with the successful redevelopment of brownfield sites. The re- development of brownfields capitalizes on existing infrastructure, creates a robust tax base for local governments, attracts new businesses and jobs, reduces the environmental and health risks to communities, and preserves community character. This can truly be a victory for everyone.

While everyone agrees that brownfield sites should be cleaned up, presently there are many problems that prevent us from cleaning up these sites. Let me address the problems and how our legislation poses solutions.

Problem: There is not enough funding to address the large number of brownfield sites that exist.

Solution: The bill authorizes $150 million per year to state and local governments to perform assessments and cleanup at brownfield sites. It also authorizes $50 million per year to establish and enhance State brownfield programs.

Problem: Communities that strive to clean up sites, such as Riverside Mills alongside the Woonasquatucket River in Providence, in order to turn them into greenspace, cannot since there will be no future income stream to repay a loan.

Solution: The bill will allow EPA to issue grants to state and local governments to clean up sites that will be converted into parks or open space.

Problem: People who bought brownfield sites and did not cause the contamination could be liable under Superfund.

Solution: The bill clarifies that innocent landowners, that act appropriately, are not responsible for paying cleanup costs.

Problem: Developers that want to purchase brownfield sites may be liable for future cleanup costs.

Solution: The bill encourages developers to purchase and develop brownfield sites by exempting from liability prospective purchasers that do not cause or worsen the contamination at a site.

Problem: Superfund liability issues prevent development of areas near contaminated sites.

Solution: The bill includes an exemption from Superfund liability for contiguous property owners.

Problem: Investors do not clean up brownfield sites because for fear that EPA will "second-guess" their actions.

Solution: The bill offers finality by precluding EPA from taking an action at a site being addressed under a state cleanup program unless there is an "imminent and substantial endangerment" to public health or the environment, and additional work needs to be done.

I am proud to introduce this bill with my esteemed colleagues from the Environment and Public Works Committee. The fact that this bill is sponsored by the Chairman and Ranking Minority Member of the Superfund Subcommittee and the Environment and Public Works Committee speaks very highly for the bipartisan efforts to achieve consensus on this issue. A factor critical to the success of this legislation, will be continued bipartisanship. We must continue to reach across the aisle; we must continue to find common ground; and we must continue to work cooperatively to move this legislation. I urge all Senators to support legislation that will be a victory for everyone. And, I believe to every Senator.

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. 2700

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

TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization and Environmental Restoration Act of 2000".

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

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TITLE I—BROWNFIELDS REVITALIZATION FUNDING

SEC. 101. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF BROWNFIELDS SITE.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) BROWNFIELDS SITE; (A) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. (B) EXCLUSIONS.—The term 'brownfield site' does not include—(i) a facility that is the subject of a planned or ongoing removal action under this title; (ii) a facility that is listed on the National Priorities List or is proposed for listing;
(iii) a facility that is the subject of a unilateral administrative order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under this Act;

(iv) a facility that is the subject of a unilateral administrative order, an administrative order on consent or judicial consent decree that has been issued by or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1221), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300 et seq.);

(v) a facility that—

(I) is subject to corrective action under section 3004(u) or 3008(h); and

(ii) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

(vi) a land disposal unit with respect to which—

(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

(ii) closure requirements have been specified in a closure plan or permit;

(vii) is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

(viii) a portion of a facility—

(I) at which there has been a release of polychlorinated biphenyls; and

(ii) to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(x) a portion of a facility, for which portion, in the President’s discretion, response activity has been obtained under section 101(39)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

(C) SITE-BY-SITE DETERMINATIONS.—Notwithstanding subparagraph (B) and on a site-by-site basis, the President may authorize financial assistance under section 128 to an eligible entity at a site included in clause (i), (iv), (v), (vi), (vii), or (ix) of subparagraph (B) if the President finds that financial assistance will protect human health and the environment, and either promote economic development by the creation of, preservation of, or addition to parks, greenspace, undeveloped property, other recreational property, or other property used for nonprofit purposes.

(D) ADDITIONAL AREAS.—For the purposes of section 128, the term ‘brownfield site’ includes—

(i) a site that is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); and

(ii) mine-scarred land.

(b) BROWNFIELDS REVITALIZATION FUNDING.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

‘‘SEC. 128. BROWNFIELDS REVITALIZATION FUNDING.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

(1) a general purpose unit of local government;

(2) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

(3) a government entity created by a State legislature;

(4) a regional council or group of general purpose units of local government;

(5) a redevelopment agency that is chartered or otherwise sanctioned by a State;

(6) a Tribal entity;

(7) an Indian Tribe.

(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

(I) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to—

(A) provide grants for the characterization, assess, and conduct planning related to brownfield sites under paragraph (2); and

(B) perform targeted site assessments at brownfield sites.

(II) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT.—

(A) IN GENERAL.—On approval of an application, the Administrator may make a grant to the eligible entity to be used for programs to inventory, characterize, assess, and conduct planning related to 1 or more sites.

(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A) shall be performed in accordance with section 101(35)(B).

(c) GRANTS AND LOANS FOR BROWNFIELD REMEDIATION.—

(I) GRANTS PROVIDED BY THE PRESIDENT.—Subject to subsections (b) and (e), the President shall establish a program to provide grants to—

(A) eligible entities, to be used for capitalization of revolving loan funds; and

(B) eligible entities or nonprofit organizations, where warranted, as determined by the President based on considerations under paragraph (4), to provide assistance for the remediation of 1 or more brownfield sites that is owned by the entity or organization that receives the grant and in amounts not to exceed $200,000.

(II) LOANS AND GRANTS PROVIDED BY ELIGIBLE ENTITIES.—An eligible entity that receives a grant under paragraph (1)(A) shall use the grant funds to provide assistance or loans for the remediation of brownfield sites in the form of—

(A) 1 or more loans to an eligible entity, a site owner, a site developer, or another person; or

(B) 1 or more grants to an eligible entity or another nonprofit organization, where warranted, as determined by the eligible entity that is providing the assistance, based on considerations under subsection (3), to remediate sites owned by the eligible entity or nonprofit organization that receives the grant.

(III) CONSIDERATIONS.—In determining whether a grant under paragraph (1)(B) or (2)(B) is warranted to an eligible entity, as the case may be, shall take into consideration—

(A) the extent to which a grant will facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

(B) the extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community;

(C) the extent to which a grant will facilitate the use or reuse of existing infrastructure;

(D) the benefit of promoting the long-term availability of funds from a revolving loan fund for brownfield remediation; and

(E) such other factors as the Administrator or the Congress determines to be appropriate to consider for the purposes of this section.

(IV) COMPLIANCE WITH APPLICABLE LAWS.—An eligible entity that provides assistance under paragraph (2) shall include in all loan and grant agreements a requirement that the loan or grant recipient shall comply with all laws applicable to the cleanup for which grant funds will be used and ensure that the cleanup protects human health and the environment.

(V) TRANSITION.—Revolving loan funds that have been established under subsection (b) shall include in all loan and grant agreements a requirement that the loan or grant recipient shall comply with all laws applicable to the cleanup for which grant funds will be used and ensure that the cleanup protects human health and the environment.

(VI) MAXIMUM GRANT AMOUNT.—

(A) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT.—

(I) IN GENERAL.—A grant under subsection (b)—

(1) may be awarded to an eligible entity on a community-wide or site-by-site basis; and

(2) shall not exceed, for any individual brownfield site covered by the grant, $200,000.

(II) WAIVER.—The Administrator may waive the $200,000 limitation under clause (I) if the Administrator finds that the grant will result in a community-wide or site-by-site basis, not to exceed $1,000,000 per eligible entity.

(III) ADDITIONAL GRANT AMOUNT.—The Administrator may make an additional grant to an eligible entity described in clause (I) for any year after the year for which the initial grant is made, taking into consideration—

(A) the number of sites and number of communities that are addressed by the revolving loan fund;

(B) the demand for funding by eligible entities that have not previously received a grant under this section;

(C) the demonstrated ability of the eligible entity to use the revolving loan fund to provide assistance and provide funds on a continuing basis; and

(D) any other factors that the Administrator considers appropriate to carry out this section.

(2) PROHIBITION.—

(A) IN GENERAL.—No part of a grant or loan under this section may be used for the payment of—

(1) a penalty or fine;

(2) a federal cost-share requirement; or

(3) an administrative cost.

(B) EXCLUSIONS.—For the purposes of subparagraphs (A)(i) and (ii), the term ‘administrative cost’ does not include the cost of a brownfield site for which the recipient of the grant or loan is potentially liable under section 107; or

(v) a cost of compliance with any Federal law (including a Federal law specified in section 101(39)(B)).

(B) EXCLUSIONS.—For the purposes of paragraphs (B) through (D) and (F), the term ‘administrative cost’ does not include—

(i) investigation and identification of the extent of contamination;

(ii) design and performance of a response action; and

(iii) monitoring of a natural resource.

(3) ASSISTANCE FOR DEVELOPMENT OF LOCAL GOVERNMENT SITE REMEDIATION PROGRAMS.—A local government that receives a grant under this section may use not to exceed 10 percent of the grant funds to develop
and implement a brownfields program that may include—

(A) monitoring the health of populations exposed to 1 or more hazardous substances from 1 or more brownfield sites; and

(B) monitoring and enforcement of any institutional control used to prevent human exposure to any hazardous substance from a brownfield site.

(e) GRANT APPLICATIONS.—

(1) IN GENERAL.—The Administrator may not approve a grant application under this section for any recipient that is not, at the time of the application, a governmental entity or a business entity that—

(A) is not considered to be an owner or operator of a vessel or facility under paragraphs (1) or (2) of subsection (a) solely by reason of the contamination if—

(i) the person did not cause, contribute, or consent to the release or threatened release; or

(ii) the person is not—

(I) potentially liable, or affiliated with any other person that is potentially liable, for response costs at a facility through any direct or indirect familial relationship or any contractual, corporate, or financial relationship (other than a contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services); or

(II) the result of a reorganization of a business entity that was potentially liable; and

(iii) the person takes reasonable steps to—

(I) stop any continuing release; and

(II) prevent any threatened future release; and

(III) prevent or limit human, environmental, or natural resource exposure to any hazardous substance released on or from property owned by the person, or operated by the person, at the vessel or facility; and

(iv) the person provides full cooperation, assistance, and access to persons that are authorized to conduct response actions or natural resource response activities at the vessel or facility from which there has been a release or threatened release (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the vessel or facility); and

(b) for property that is not owned by the person.

(C) prevent the release of any hazardous substance to the environment from 1 or more sources that are not reasonably related to the vessel or facility.

(f) IMPLEMENTATION OF BROWNFIELDS PROGRAMS.—

(A) ESTABLISHMENT OF PROGRAM.—The Administrator may provide, or fund eligible entities to provide, technical assistance to individuals and organizations, as appropriate, to facilitate the inventory of brownfield sites, site assessments, remediation, preconstruction activities, brownfields community involvement, or site preparation.

(B) FUNDING RESTRICTIONS.—The total Federal funds to be expended by the Administrator under this subsection shall not exceed 15 percent of the total amount appropriated to carry out this section in any fiscal year.

(C) AUDITS.—

(I) IN GENERAL.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants and loans under this section as the Inspector General considers necessary to carry out this section.

(II) PROCEDURE.—An audit under this paragraph shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 3, United States Code.

(D) VIOLATIONS.—If the Administrator determines that a person that receives a grant or loan under this section has violated or is in violation of any provision of the grant, loan, or applicable Federal law, the Administrator may—

(A) terminate the grant or loan; or

(B) require the person to repay any funds received; and

(C) seek any other legal remedies available to the Administrator.

(E) LEVERAGING.—An eligible entity that receives a grant under this section may use the grant funds for a portion of a project at a brownfield site for which funding is received from other sources if the grant funds are used only for the purposes described in subsection (b) or (c).

(f) AGREEMENTS.—Each grant or loan made under this section shall be subject to an agreement that—

(I) requires the recipient to comply with all applicable Federal and State laws; and

(II) requires that the recipient use the grant or loan exclusively for purposes specified in subsection (b) or (c), as applicable; and

(III) requires that the recipient agree to notify the Administrator if any contractual, corporate, or financial relationship that is created by a contract for the sale of goods or services; or

the extent to which a grant will facilitate the use or reuse of existing infrastructure that the property was or could be contaminated by a release or threatened release of 1 or more hazardous substances from 1 or more sources that are not reasonably related to the vessel or facility.
an aquifer, subparagraph (A)(iii) shall not re-
quire the person to conduct ground water in-
vestigations or to install ground water re-
mediation systems, except in accordance with
the policy of the Environmental Protection
Agency concerning owners of property con-
taining contaminated aquifers, dated May 24, 1995.

(2) Effect of law.—With respect to a per-
son described in this subsection, nothing in this
subsection—

(A) limits any defense to liability that
may be available to the person under any
other provision of law; or

(B) imposes liability on the person that
is not otherwise imposed by subsection (a).

(3) Assurances.—The Administrator may—

(A) issue an assurance that no enforce-
ment action under this Act will be initiated
against a person described in paragraph (1); and

(B) grant a person described in paragraph
(1) a nonrefundable contribution toward the re-
covery of response costs at the facility, if the
person—

(i) is in compliance with any land use re-
strictions established or relied on in connec-
tion with the response action at a vessel or
facility; and

(ii) does not impede the effectiveness or
integrity of any institutional control em-
ployed at the vessel or facility in connection
with a response action.

(G) Request for Subpoenas.—The person
complies with any request for information or
administrative subpoena issued by the Presi-
dent under this Act.

(H) Notice of Action.—The person is not—

(i) potentially liable, or affiliated with
any other person that is potentially liable,
for response costs at a facility through—

(ii) any direct or indirect familial rela-
tion; or

(iii) any contractual, corporate, or finan-
cial relationship (other than a contractual,
corporate, or financial relationship that is
created by the instruments by which title to
the facility is conveyed or financed or by a
contract for the sale of goods or services); or

(iv) the result of a reorganization of a
business entity that was potentially liable.

(b) PROSPECTIVE PURCHASERS AND WIND-
FALL LIENS.
The term 'prospective purchaser' means a person (or a tenant of a person) that
acquires ownership of a facility after the
date of enactment of this paragraph and that
is not otherwise imposed by subsection (a).

The term 'windfall lien' means a lien for
response costs incurred at the facility.

(c) DEFINITION OF BONA FIDE PROSPECTIVE
PURCHASER.—Section 101 of the Comprehen-
sive Environmental Response, Compensa-
(as amended by section 101(a)) is amended by
adding at the end the following:

(A) BONA FIDE PROSPECTIVE PURCHASER.—

The term 'bona fide prospective purchaser'
means a person (or a tenant of a person) that
acquires ownership of a facility after the
date of enactment of this paragraph and that
establishes each of the following by a pre-
ponderance of the evidence:

(A) DISPOSAL PRIOR TO ACQUISITION.—All
disposal of hazardous substances at the fac-
ility occurred before the person acquired the
facility.

(B) INQUIRIES.—

(i) in general.—The person made all ap-
propriate inquiries into the previous own-
ership and uses of the facility in accordance with
generally accepted good commercial and
corporate, or financial relationship (other than a contractual,
corporate, or financial relationship that is
created by the instruments by which title to
the facility is conveyed or financed or by a
contract for the sale of goods or services); or

(ii) result of a reorganization of a
business entity that was potentially liable.

(B) PROSPECTIVE PURCHASER AND WIND-
FALL LIEN.—Section 107 of the Comprehensive En-
vironmental Response, Compensation, and Li-
ability Act of 1980 (42 U.S.C. 9607) (as amended by section 201) is amended by
adding at the end the following:

(p) PROSPECTIVE PURCHASER AND WIND-
FALL LIEN.—

(I) LIMITATION ON LIABILITY.—Notwith-
standing subsection (a)(3), a bona fide pro-
spective purchaser whose potential liability
for a release or threatened release is based
solely on the purchaser's being considered to
be an owner or operator of a facility shall not
be liable for response costs at a facility unless
the prospective purchaser does not impede the performance of a response action or natural resource
restoration.

(2) LIEN.—If there are unrecovered re-
source costs incurred by the United States at
a facility for which an owner of the facil-
ity is not liable by reason of paragraph (1),
and if each of the conditions described in
paragraph (3) is met, the United States shall
have a lien on the facility, or may by agree-
ment with the party obtain from an appropri-
ate owner or operator of the facility, or from
any other person that is potentially liable,
and if each of the conditions described in
paragraph (3) is met, the United States shall
have a lien on the facility, or may by agree-
ment with the party obtain from an appropri-
ate owner or operator of the facility, or from
any other person that is potentially liable,
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any other person that is potentially liable,
and if each of the conditions described in
paragraph (3) is met, the United States shall
have a lien on the facility, or may by agree-
ment with the party obtain from an appropri-
ate owner or operator of the facility, or from
any other person that is potentially liable,
"(VIII) The relationship of the purchase price to the value of the property, if the property was not contaminated.

(ix) Commonly known or reasonably ascertainable information about the property.

(X) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination and quantify it.

(IV) INTERIM STANDARDS AND PRACTICES.—

(I) PROPERTY PURCHASED BEFORE MAY 31, 1997.—With respect to property purchased before May 31, 1997, and in making a determination with respect to a defendant described of clause (i), a court shall take into account—

(aa) any specialized knowledge or experience of the defendant;

(bb) the relationship of the purchase price to the value of the property, if the property was not contaminated;

(cc) commonly known or reasonably ascertainable information about the property;

(dd) the obviousness of the presence or likely presence of contamination at the property;

(ee) the ability of the defendant to detect the contamination by appropriate inspection.

(II) PROPERTY PURCHASED ON OR AFTER MAY 31, 1997.—With respect to property purchased on or after May 31, 1997, and until the Administrator promulgates the regulations described in the procedures of the American Society for Testing and Materials, including the document known as 'Standard E 1527-97', entitled 'Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process', shall satisfy the requirements in clause (i).

(v) SITE INSPECTION AND TITLE SEARCH.—In the case of residential property for other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveals to the basis of the investigation shall be considered to satisfy the requirements of this subparagraph.

TITLE III—STATE RESPONSE PROGRAMS

SEC. 301. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

``(43) ELIGIBLE RESPONSE SITE.—

(A) IN GENERAL.—The term 'eligible response site' includes—

(i) notwithstanding paragraph (39)(B)(ix), a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund or under section 1025 of the Internal Revenue Code of 1986; or

(ii) a site for which, notwithstanding the exclusions provided in subparagraph (C) or paragraph (39)(B), the President determines, on a site-by-site basis and after consultation with the State, that limitations on enforcement under section 129 at sites specified in clause (iv), (v), (vi) or (vii) of paragraph (39)(B) would be appropriate and will—

(i) protect human health and the environment; and

(ii) promote economic development or facilitate the creation of, preservation of, or addition to a park, a greenway, undeveloped property, recreational property, or other property for public or other noncommercial use.

(C) EXCLUSIONS.—The term 'eligible response site' does not include—

(i) a facility for which the President—

(ii) conducts or has conducted a remedial site investigation; and

(iii) after consultation with the State, determined that the site qualifies for listing on the National Priorities List; unless the President has made a determination that no further federal action will be taken; or

(iv) facilities that the President determines warrant disparate localization and action, as identified and localized, such as sites posing a threat to a sole-source drinking water aquifer or a sensitive ecosystem.

(b) STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by section 108(b) as amended by adding at the end the following:

``SEC. 129. STATE RESPONSE PROGRAMS.

(a) ASSISTANCE TO STATES.—

(A) STATES.—The Administrator may award a grant to a State or Indian tribe that—

(i) has a response program that includes each of the elements, or is taking reasonable steps to include each of the elements, listed in paragraph (1), and

(ii) is a party to a memorandum of agreement with the Administrator for voluntary response programs.

(B) USE OF GRANTS BY STATES.—

(i) IN GENERAL.—A State or Indian tribe may use a grant under this subsection to establish or enhance the response program of the State or Indian tribe.

(ii) ADDITIONAL USES.—In addition to the uses under clause (i), a State or Indian tribe may use a grant under this subsection to—

(A) provide for the development of a State or tribal brownfield remediation program;

(B) establish an appropriate facility or facilities that the President determines that contamination has migrated or is likely to migrate onto property subject to a release or threatened release at an eligible response site described in such subparagraph;

(C) develop a risk assessment tool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State response program.

(c) ELEMENTS.—The elements of a State or Indian tribe response program referred to in paragraph (1)(A)(i) are the following:

1. Timely survey and inventory of brownfield sites in the State.

2. Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that—

(i) a response action will—

(A) protect human health and the environment; and

(B) be conducted in accordance with applicable Federal and State law; and

(ii) the person conducting the response action fails to complete the necessary response activities, including operation and maintenance activities or monitoring activities, the necessary response activities are completed.

(C) Mechanisms and resources to provide meaningful opportunities for public participation, including—

(i) public access to documents that the State, Indian tribe, or party conducting the cleanup is relying on or developing in making cleanup decisions or conducting site activities; and

(ii) prior notice and opportunity for comment on proposed cleanup plans and site activities.

(D) Mechanisms for approval of a cleanup plan, and a requirement for verification by the President that the cleanup is relying on or developing in making cleanup decisions or conducting site activities.

(E) Mechanisms for approval of a cleanup plan, and the President determines that contamination has migrated or is likely to migrate onto property subject to a release or threatened release at an eligible response site.

2. Funding.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2001 through 2005.
receiving financial assistance under subsection (a) shall maintain and make available to the public a record of sites as provided in this paragraph.

(1) A NOTIFICATION.—

(I) IN GENERAL.—In the case of an eligible response site at which there is a release or threatened release of a hazardous substance, pollutants, or contaminants and for which the Administrator intends to carry out an action that may be barred under subparagraph (A), the Administrator shall—

(ii) notify the State of the action the Administrator intends to take; and

(iii) notify the State if the release of a hazardous substance, pollutants, or contaminant and for which the Administrator is considering an action described in subparagraph (A) is not scheduled to occur within 48 hours after the State receives notice from the Administrator of the action to be taken.

(2) PROGRESS TOWARD CLEANUP.—If, after giving notification under clause (i), the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site—

(I) the President may take action immediately under a State program; and

(II)(aa) wait 48 hours for a reply from the State under clause (ii); or

(bb) if the State fails to reply to the notification or if the Administrator makes a determination under clause (iii), take immediate action under that clause.

(3) STATE REPLY.—Not later than 48 hours after a State receives notice from the Administrator under clause (i), the State shall notify the Administrator if—

(I) the release at the eligible response site is or has been subject to a cleanup conducted under a State program; and

(II) the State is planning to abate the release or threatened release, any actions that are planned.

(4) IMMEDIATE FEDERAL ACTION.—The Administrator may take action immediately after giving notification under clause (i) without waiting for a State reply under clause (ii) if the Administrator determines that additional actions are necessary to prevent or minimize a substantial risk to the protection of public health and the environment.

(b) The following definitions apply:

(1) this Act, except as provided in subsection (b);

(2) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(4) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

(5) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

SEC. 302. ADDITIONS TO NATIONAL PRIORITIES LIST.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by adding at the end the following:

``(h) NPL DEFERRAL.—At the request of a State and subject to paragraphs (2) and (3), the President generally shall defer final listing of an eligible response site on the National Priorities List if the President determines that—

(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site;

(ii) in compliance with a State program that specifically governs response actions for the protection of public health and the environment; and

(iii) that will provide long-term protection of human health and the environment; or

(B) the State is actively pursuing an agreement to perform a response action described in subparagraph (A) at the site with a person that the State has reason to believe is capable of completing that action that meets the requirements of subparagraph (A).

(2) PROGRESS TOWARD CLEANUP.—If, after the last day of the 1-year period beginning on the date on which the President proposes to list an eligible response site on the National Priorities List, the President determines that the State or other party is not making reasonable progress toward completing a response action at the eligible response site, the President may list the eligible response site on the National Priorities List.

(3) Cleanup Agreements.—With respect to an eligible response site under paragraph (1)(B), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, an agreement described in paragraph (1)(B) has not been reached, the President may defer the listing of the eligible response site on the National Priorities List for an additional period of not to exceed 180 days if the President determines deferring the listing would be appropriate based on—

(A) the complexity of the site;

(B) substantial progress made in negotiations; and

(C) other appropriate factors, as determined by the President.

(4) EXCEPTION.—Except as provided in paragraph (3), if, after the last day of the 1-year period beginning on the date on which the President proposes to list the eligible response site on the National Priorities List, the President determines that—

(A) the State, or another party under an agreement with or order from the State, is conducting a response action at the eligible response site; and

(B) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or

(C) the conditions in paragraphs (1) through (3), as applicable, are no longer being met.

Mr. LAUTENBERG. Mr. President, I'm very pleased to announce that, after months of very hard work, we have bipartisan legislation which will clean up and redevelop the abandoned industrial sites known as Brownfields—S. 2700, the Brownfields Revitalization and Environmental Restoration Act of 2000.

I first introduced Brownfields legislation in the Senate in 1993, in the hopes of both protecting public health, and addressing the problems of blighted areas. Since that time, it has become clear that there are even more reasons to address Brownfields than we originally thought. In fact, there are few environmental issues which cut across so many problems and offer so many solutions.

Mr. President, Brownfields threaten the health of our citizens—and the economic health of communities across the country, by leaving abandoned inner cities, increased crime, loss of jobs and declining tax revenues. Brownfields also lead to urban sprawl, loss of farmland, increased traffic and air pollution and loss of historic districts in older urban centers. But once they're cleaned up and made useful again, they also represent tremendous potential in new jobs and a cleaner environment. Now, finally, we have a bipartisan plan to achieve those goals.

The legislation we're introducing today provides federal money to investigate and clean up Brownfields sites. State and local governments would use this money to determine which sites pose environmental problems, to decide what cleanup approaches would be appropriate based on the circumstances from an adjacent site. These liability limitations and clarifications will help innocent parties and provide incentives to get these sites cleaned up.

Third, this bill does several new and positive things for communities and for the environment. For the first time, it creates a public record of Brownfield sites handled under state programs, because the public has a right to know what's happening at the sites near their homes. And it is the first Brownfields bill to provide funding not just to assist in redevelopment projects, but also to provide assistance to state and local governments to create and preserve open space, parklands and other recreational areas in former Brownfields sites.

Finally, the bill gives states incentives and funding to develop state programs to clean up their Brownfield sites quickly and safely. It has provisions to encourage cooperation and coordination between the federal and state governments, both of whom play an active role in cleaning up these sites and protecting the citizens. The bill strikes the delicate balance of providing deference to state cleanup programs but still ensures that the federal superfund program will be able to come in
June 8, 2000

and address problems when a site poses a serious problem.

The Brownfields cleanup and redevelopment strategy in this legislation is comprehensive. It’s fiscally responsible. And it will improve the quality of life for people throughout the country. It promises thousands of new jobs and millions in new tax revenue. It promises increased momentum for smart growth, which means cleaner air and less congested roads.

It promises a new focus on revitalizing downtown areas, which will reduce urban sprawl, lower rates and protect parkland and open space. I come from the most densely populated state in this country, and I understand the importance of protecting open space.

Mr. President, the nation’s mayors estimate that Brownfields cost between $200 million and $500 million a year in lost tax revenues. Returning these sites to productive use could create some $200 million a year.

I just look at the progress we’ve made even over the last few years. Grants from the EPA to aid in cleaning up Brownfields sites have helped generate more than $100 million and about $8 billion in revenues. In New Jersey alone, we’ve rescued more than 1,000 Brownfields sites, replacing polluted lagoons with office centers and covering abandoned rail yards with condominium complexes. These sites will benefit everyone—both environmentally and economically. Which is why this legislation has strong support from both Democrats and Republicans.

Mr. President, in the 1960s, this country turned its attention away from downtown areas and started focusing on the suburbs. We see now what that got us: clogged highways, overcrowded airports, and increased pollution.

It’s time to turn that trend around. And that’s exactly what this legislation will do. I also want to thank my three colleagues for their determination and hard work in hammering out this compromise. Senator Smith, our new Chairman, has really reached out to all members of the Committee to try to craft good environmental legislation.

Senator Baucus, the Democratic leader on our Committee, has been a stalwart advocate for a good Superfund program and a compromise Brownfields bill. We have fought many battles to address those sites in our country. I strongly support the Brownfields legislation that holds bipartisan support. I look forward to working with all of them to ensure that this bill is signed into law. Thank you.

Following is a summary of the bill.

**BROWNFIELDS REVITALIZATION AND ENVIRONMENTAL RESTORATION ACT OF 2000 (S. 2700)—KEY PROVISIONS**

- Provides critically needed funds to assess and clean up abandoned and underutilized brownfields sites that will create jobs, increase tax revenues, preserve and create open space and parks;

- Provides legal protections for innocent parties, such as contiguous property owners, prospective purchasers, and innocent landowners;

- Provides for funding and enhancement of state cleanup programs, including limits where appropriate on enforcement by the federal government at sites cleaned up under state programs, provides a balance of certainty for prospective purchasers, developers and others while ensuring protection of the public health;

- Creates a public record of Brownfield sites and enhances community involvement in site cleanup and reuse.

**TITLE I: BROWNFIELD REVITALIZATION FUNDING**

- Authorizes $150 million per year, for fiscal years 2001-2005, for grants to local governments, States and Indian tribes to inventory, assess and clean up contaminated brownfield sites, either through establishing a Revolving Loan Fund or in some circumstances, by giving a grant. Provides criteria to be used in awarding these funds, including the extent to which the money will protect human health and create jobs, in order to preserve open space and parks, and represent a fair distribution of money between urban and rural areas.

**TITLE II: BROWNFIELD LIABILITY CLARIFICATIONS**

- Contiguous Property Owners—Generally provides Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from another property, so long as the person did not cause or contribute to the release, and provides cooperation and access for the cleanup. Provides for contamination that is contained within a single building;

- Provides deferral for listing sites on the National Priorities List if the state is taking action on the site.

**TITLE III: STATE RESPONSE PROGRAMS**

- Authorizes $50 million per year in fiscal years 2001-2005 for grants to states and Indian tribes to enhance their cleanup programs, when the programs meet state and Indian tribes standards for the bar on federal enforcement. This legislation addresses the need for a bar to federal enforcement. It extends the bar under Superfund to states and Indian tribes by states and tribes that have apparent liability carve-outs are outside of the scope of any brownfields legislation. As I have in the past, I continue to oppose narrow carve-outs. Carveouts weaken the Superfund effort. Carveouts weaken attempts at overhauling the remedy selection and liability allocation provisions.

**CONGRESSIONAL RECORD — SENATE S4841**

Mr. SMITH of New Hampshire. Today, the chairman of the Committee on Environment and Public Works, ranking minority member of the committee, chairman of the Subcommittee on Superfund, and ranking minority member of the United States Senate, has come together to introduce a bill that protects the environment, encourages community involvement, promotes economic redevelopment, encourages the preservation of green spaces, and sets the stage for future efforts of comprehensive Superfund reform.

As a nation, our industrial heritage has left us with numerous contaminated abandoned and underutilized “brownfield” sites. Although the level of contamination at many of these sites is relatively low, and the potential value of the property may be quite high, developers often shy away from developing these sites. One reason for this is uncertainty regarding the extent of contamination, the extent of liability, or the potential costs of cleanup.

With the introduction of the Brownfield Revitalization and Environmental Restoration Act of 2000, we focus on the uncertainty facing developers and communities as to the status of low-risk contaminated sites.

At the beginning of this Congress, Administrator Browner and Assistant Administrator for Office of Hazardous Waste and Emergency Response, Tim Fields, testified that EPA was interested in pursuing legislative reform only in some narrow property owner areas and in brownfields. We have worked to address their suggestions and hope that in the future they can work with us to address a broader comprehensive Superfund effort.

Concerns exist for some Committee members that taking brownfields out of a comprehensive Superfund reform package will jeopardize future Superfund reform. Although I agree with my colleagues that comprehensive reform is needed, I feel that we can move forward with brownfield legislation without compromising comprehensive reform. 450,000 brownfield sites exist in the United States. These sites are low risk sites and are not the traditional Superfund sites that would be affected by comprehensive Superfund reform. If States and citizens are discouraged from cleaning up these sites, continuing the barriers to redevelopment, these sites may someday become Superfund sites.

As brownfield sites are outside of the scope of Superfund, I believe that liability carve-outs are outside of the scope of any brownfields legislation. As I have in the past, I continue to oppose narrow carve-outs. Carveouts weaken attempts at overhauling the remedy selection and liability allocation provisions. The current Superfund statute and, frankly, make a bad system worse. This brownfield legislation does not affect the allocation of liability at Superfund sites, instead, it provides
needed resources to address sites, provides certainty to those who voluntarily clean up, and prevents brownfields from being included in the Superfund web. Brownfield legislation presents a win-win for all involved and should jumpstart action on substantive Superfund reform in the next Congress.

This is a new era of environmental and infrastructure legislation. Since we have been paying down the debt, we are now able to return money to local communities to help them solve environmental problems and are encouraging partnerships between federal entities, States, and local communities. It is an exciting time to be working and investing in our environment.

Mr. BAUCUS. Mr. President, I am pleased to join Senators CHAFEE, LAUTENBERG, and SMITH in introducing the Brownfields Revitalization and Environmental Restoration Act. This bill is a "win-win." It is good for the environment and communities, and it is good for the economy. More hazardous waste sites will be cleaned up. We'll have more parks and open space, more economic redevelopment, and more jobs.

I'd like to emphasize that this is not just an east-coast, big city bill. Montana may not have as many brownfields as some of our more industrialized and densely-populated states, but our economic history has left us with petroleum- and coal-related contamination. Highway yards. Sawmills. Getting these sites remediated and back in use makes good sense in Montana and throughout the country.

The Brewery Flats site outside Lewistown is a perfect example of a place where this bill can really make a difference. Montana's 57 acre site is located on the Big Spring Creek floodplain, two miles south of Lewistown. It is a railroad site, consisting of a former branch line, railroad switching yard, and roundhouse locomotive service facility. Chicago, Milwaukee railroad operated the site, then sold it to Burlington Northern. The city would like to acquire the site and convert it to recreational and educational uses. The owner is willing to transfer the land to the city, but the city needs to have a more complete understanding of the extent of the contamination before moving acquiring the land and undertaking a clean-up.

The site has outstanding potential to enhance the community. It is adjacent to land on the Big Spring Creek that is owned by Montana Fish and Wildlife, so cleaning it up will allow the expansion of existing open space. Big Spring Creek itself is a blue-ribbon trout stream, and the Brewery Flats site boasts several wetland areas. Local students have planted trees in the area, and the educational and recreational potential of these adjacent sites is excellent.

Lewistown has worked hard to utilize existing programs and resources. Montana DEQ performed some initial sampling on the site several years ago. More recently, EPA conducted a targeted site assessment, which revealed light contamination on half of the site, and more extensive contamination near the roundhouse. Although EPA did not find anything alarming, the assessment process left the city feeling that it would not feel comfortable taking ownership of the property before more extensive sampling is done. Lacking the resources to do this work, Lewistown has applied for an EPA brownfields grant. This process is still pending. In addition, the city has applied to the Montana DNRC for a cleanup grant.

The brownfields bill could greatly help Lewistown acquire and clean up Brewery Flats. And it could do the same for hundreds of sites in Montana and thousands around the country, by providing funding for brownfields revitalization programs, by giving liability protection in certain cases, and by providing assurances to state brownfields cleanup programs. Let me explain each of these provisions.

Title I of the bill authorizes funding to states, tribes and local governments to conduct site assessments on brownfield sites. Funding is particularly critical for sites that will be used for non-profit purposes, such as parks. In some cases, it is also needed to fill gaps in private financing at sites that will be used for commercial use. To make the funding as effective as possible, it is structured to provide states, tribes and local governments the flexibility to utilize the brownfields money and EPA’s capacity in the way that best suits their particular needs.

For site assessment, states, tribes and local governments can seek grants from EPA. For remediation, governments that wish to establish a program can seek revolving loan funds, and states, tribes and local governments can seek grants to capitalize revolving loan funds for remediation. Out of these revolving loan funds, they can then provide loans, and grants to public and nonprofit entities, for remediation. Governments that do not wish to establish revolving loan funds, on the other hand, can seek grants from EPA for specific remediation projects. In addition, Title I authorizes EPA to conduct brownfields-related technical assistance and job training and facilitate community participation.

This path of funding and EPA authority builds on the successes of EPA's existing brownfields program and strengthens it by adding increased flexibility. To serve all of these purposes, Title I authorizes $150 million per year for five years. I note that, at my urging, the bill includes mine-scared lands in the definition of brownfields and contains a provision that will distribute funds that will ensure that funds are distributed fairly between urban and rural areas.

Turning to Title II of the bill, Superfund's critics have long argued that the threat of Superfund liability has been a drag on the redevelopment of brownfields sites. Title II addresses this problem by protecting several classes of persons from Superfund liability. It protects contiguous property owners, whose property has been contaminated solely by migration of contamination from their property. It protects bona fide prospective purchasers, who exercise appropriate care when purchasing property and did not contribute to any existing contamination. And it protects innocent landowners, who do not know of and did not contribute to contamination of property they already own.

These provisions make Superfund more fair, and will promote brownfield redevelopment by providing certainty to property owners and developers about what they need to do to avoid Superfund liability.

Title III clarifies the relationship between state cleanup programs and EPA's Superfund program. Superfund critics have long argued that the possibility that EPA could second-guess state-approved cleanups has discouraged brownfields remediation. At the same time, I and other have argued that a federal government's ability to use Superfund authorities to deal with dangerous situations at sites cleaned up under state programs in the rare case in which the cleanup is inadequate and there is a threat to human health or the environment.

The tension between these two views has been one of the major obstacles to moving brownfields legislation in the past. This bill forces a new compromise on this issue, one that should appeal to both sides in the debate. On one hand, it gives more certainty to those who clean up brownfield sites under state programs. On the other hand, it preserves EPA's ability to use Superfund authorities to address serious problems.

Mr. President, putting these changes all together, the bill will expedite cleanups at Brewery Flats and all across the country. That, again, is good for the environment, good for communities, and good for the economy.

One final point. This bill reflects a moderate, bipartisan, compromise. It shows that we can roll up our sleeves and resolve our differences. For that, I compliment the new chairman of the Environment and Public Works Committee, Senator SMITH, and the chairman of the Superfund Subcommittee, Senator CHAFEE. They've done a great job.

I'd also like to pay a special complement to the ranking member of the Subcommittee, Senator LAUTENBERG. He has accomplished many things during his 18 years in the Senate. One of the most important has been his leadership on environmental issues. More than anyone else, he has protected, and improved, the Superfund program.

If we enact the Chafee-Lautenberg bill this year, and I believe we can, it
will be a fitting capstone to his Senate career.

By Mr. WYDEN (for himself, Mr. DE WINE and Mr. ROCKEFELLER): S. 2701, to amend the Internal Revenue Code of 1986 to allow a tax credit for donations of computers to senior centers, to require a pilot program to enhance the availability of Internet access for older Americans, and for other purposes; to the Committee on Finance.

INTERNET ACCESS FOR SENIORS ACT OF 2000

Mr. WYDEN. Mr. President, today, the opportunity to live a healthy and productive life can be enriched by something new: access to the Internet. But according to a 1999 Forrester Research report, only 8 percent of seniors age 65 and above have Internet access compared to 40 percent of the population under age 65. According to an unpublished Department of Commerce study, 82 percent of low-income seniors with Internet access is even less: only 1.5 percent. My bill, the Internet Access for Seniors Act of 2000, will help narrow this digital divide between seniors and the rest of the population. I am pleased to be joined by Senator DeWine and Rockefeller in introducing this bill.

A recent study by Stanford's Institute for the Quantitative Study of Society shows the digital divide among different demographic groups. The variables include education, gender, race, ethnicity, and income. It shows that by far the most important factors facilitating or inhibiting Internet access are age and education—not income, not race, not ethnicity, and not gender. According to the study's authors, these variables account for less than 5 percent of the change in the rates of Internet access and are statistically insignificant. In contrast, and I quote, "a college education boosts rates of Internet access by 12 percentage points compared to the less educated group, while people over 65 show a more than 40 percentage point drop in their rates of Internet access compared to those under 25." I quote.

Ironically, seniors, who have more limited access to the Internet, can benefit more from Internet access than others because, in addition to a digital divide, they suffer from a transportation divide. The ability to travel from one place to another is vital to our daily lives. In fact, good transportation access is vital for many of the same reasons as good Internet access. But seniors are the least mobile demographic segment of our adult population. One way that people cope with poor access to telecommunications is to rely on transportation. But seniors lack this coping mechanism. In other words, if any demographic group in our society actually needs superior access to the Internet, it is seniors.

Our society has recognized that access to certain kinds of information is a public good. That is why we have schools and libraries, and it is why we have the E-rate, which provides Internet access to schools and libraries. Until now, however, senior centers have been left out of the mix. Some may say, "Why don't seniors go to the library to get Internet access?" Many seniors prefer to go to senior centers because they are specifically designed to serve his needs, and it seems wasteful to ask libraries to take on those additional services.

There are many ways seniors can benefit from Internet access: taking courses, finding a job, becoming better informed, obtaining essential goods and services. One application, access to health information, is obviously essential to seniors and is also an area of great interest to me.

Mr. President, there is an explosion of information being made available over the Internet. According to a recent front page New York Times story, there are now more than 100,000 healthcare websites available on the Internet. Health information is one in three Americans over 60 who do not have Internet access because consumers demand it.

There are many reasons seniors may prefer to get health information over the Internet rather than in person.

Some seniors may not want to wait until their next doctor appointment before finding out more about their ailment. For example, if a senior gets a diagnosis of cancer, she may not want to wait to find out more about the seriousness of her condition and the options available to her.

Some seniors may find a trip to the clinician's office an onerous and often all-day activity. Cleary the ability to communicate with a clinician without making a special trip—and at odd hours—would be of great benefit. Recognizing these needs, some HMOs already allow seniors to communicate with their caregiver via the Internet to request relatively routine services such as a dosage change. This also saves on Medicare and Medicaid costs.

Some seniors may want to talk to other people who share their condition. For example, most medical websites now have chat rooms where fellow sufferers can get together to share information about new treatment options and day-to-day tips for coping with specific conditions. These sites also provide advice and support to the spouses and other caregivers who must care for victims of Alzheimer's, heart disease, cancer, and other afflictions of the elderly.

My legislation is designed to bring senior centers, particularly those in low-income or rural areas, into the digital age. I chose senior centers as a vehicle to alleviate the digital divide for seniors because these centers serve large numbers of seniors, especially the disadvantaged seniors targeted by this bill. Unfortunately, there are no national statistics regarding how many seniors have access to the Internet. I am told by senior centers that Internet access accessible to seniors.

However, my office did a survey of Oregon senior centers. We found that 52 percent lacked access to computers and that 71 percent lacked access to the Internet. In many cases, the quantity of computers and Internet access was low. Many computers were at least five years old. Some were ten or more years old. Internet connections were often made with older versions of browsers that could not access contemporary websites.

My bill has two major components. The first provides a tax credit for individuals and organizations that contribute computer equipment to senior centers. The second creates a pilot program, called the S-rate, to provide subsidies for qualified low-income or rural senior centers to access the Internet.

The tax credit, essentially identical to the tax credit for computer equipment donated to schools passed March 1 of this year in the New Millennium Classrooms Act, is equal to 30 percent of the fair market value of the donated computer equipment. To receive the tax deduction, the computer equipment must be donated to seniors centers. The tax credits for donations to senior centers located within empowerment zones, enterprise communities, and Indian reservations, the tax credit is increased to 50 percent. The tax deduction is terminated for taxable years beginning three years after the date of enactment of this act, and we impose a limit of 10 computers per senior center.

The S-rate covers up to 90 percent of the costs associated with Internet access for senior centers. The second creates a pilot program that will invest $10 million a year in getting our seniors on the Internet. The program sunsets after 3 years.

The bill is only a pilot program that will invest $10 million a year in getting our seniors online. The program sunsets after 3 years. The Secretary of the Department of Commerce will administer the S-rate. The bill is only a pilot program that will invest $10 million a year in getting our seniors online. The program sunsets after 3 years.

The Secretary of the Department of Commerce will administer the S-rate. In selecting among eligible senior centers, the Secretary must consider the senior center's need and proposed applications. Need includes the number of seniors served by the senior center, the extent to which the senior center already provides Internet access, and the extent to which the senior center can serve seniors with a high percentage of low-income or rural individuals. Applications include health information, job training, lifelong education, and any other applications that fulfill an important social need.

The Secretary's task is to develop enabling tools for the senior centers. For example, the Secretary could offer an array of fill-in-the-blank web
templates to make it easy for senior centers to post information on the web and create their own home pages. The Secretary could provide information to senior centers about privacy concerns, especially regarding sensitive matters such as health information. The Secretary could also issue guidance setting minimum standards for web hosting services seeking to serve senior centers.

One of the wonderful things about the Internet is the ability of one site to be linked to another. If an administrator doesn’t use the S-rate for its stated purpose. And because the Internet can be used for distance education and online help, the Secretary could fund some senior centers to train other senior citizens.

Let me close, with one further thought. Closing the digital divide for seniors is not just about social justice; it’s also about how we use our healthcare dollars—much of which government funded—goes to seniors. If we can empower seniors to get the healthcare they need. The Internet now offers that opportunity. Let’s not squander it.

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I ask unanimous consent that my statement and a copy of the bill be printed in the RECORD.

The bill, as amended, was ordered to be printed in the RECORD, as follows:

S. 2701

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SPECIAL TITLE

This Act may be cited as the "Internet Access for Seniors Act of 2000."
(B) Recipient of certain grants.—If the senior centers selected by the Secretary include senior centers covered by an application under subsection (b)(2)(B), the Secretary shall treat such centers as a single grant through the entity submitting the application under that subsection.

(2) AMOUNT OF GRANTS.—(A) Subject to subparagraphs (B) and (C), the Secretary shall determine the amount of the grant to be made to each senior center selected to participate in the pilot program.

(B) LARGER AMOUNTS FOR CERTAIN CENTERS.—The Secretary shall, to the maximum extent practicable, make grants in larger amounts to senior centers selected to participate in the pilot program that serve areas with a high percentage of low-income older individuals, rural areas, or both such areas.

(C) ANNUAL LIMIT.—The amount of the grant made to a given senior center in any year may not exceed $25,000.

(d) USE OF GRANT AMOUNTS.—(1) IN GENERAL.—A senior center receiving a grant under the pilot program under this section shall use the amount of the grant to cover costs of the senior center in making available Internet access to or for older individuals at or through the facilities of the senior center, including costs relating to telecommunications services, Internet access, internal connections, computers, input and output devices, software, training, and operations and maintenance.

(2) LIMITATIONS ON PERCENTAGE OF COSTS COVERED BY GRANT.—(A) IN GENERAL.—The Secretary shall specify in each grant to a senior center the maximum percentage that may be specified in each grant to a senior center that may be covered or defrayed by such grant.

(B) HIGHER PERCENTAGE FOR CERTAIN CENTERS.—In specifying maximum percentages under this paragraph, the Secretary shall, to the maximum extent practicable, specify higher percentages for senior centers serving areas with a high percentage of low-income older individuals, rural areas, or both such areas.

(C) MAXIMUM PERCENTAGE.—The highest maximum percentage that may be specified by the Secretary under this paragraph shall be 90 percent.

(3) ADDITIONAL LIMITATION ON USE OF FUNDS.—Amounts received by a senior center under a grant under subsection (c) may not be used for any administrative purpose unless such amounts directly relate to the participation of the senior center in the pilot program under this section.

(e) DURATION.—(1) COMMENCEMENT.—The Secretary of Commerce shall commence the pilot program under this section as soon as practicable after the date of the enactment of this Act.

(2) TERMINATION.—The Secretary may not make any grant under the pilot program after the date that is three years after the commencement of the pilot program under paragraph (1).

(f) REPORT.—(1) REQUIREMENT.—Not later than two years after the commencement of the pilot program under subsection (e)(1), the Secretary of Commerce shall submit to Congress a report on the pilot program.

(2) ELEMENTS.—The report under paragraph (1) shall set forth the following:

(A) An estimate of the cost per senior center of making available Internet access to or for older individuals at or through senior centers in rural areas and in non-rural areas, including a separate estimate of the cost of—

(i) purchasing computers and associated hardware;

(ii) purchasing software;

(iii) purchasing and installing internal connections;

(iv) subscribing to Internet and telecommunications services at broadband data rates; and

(v) operating and maintaining the systems which provide such access.

(B) An assessment of the extent to which computers and Internet access are currently available to older individuals at or through senior centers in the United States, including—

(i) a comparison of the availability of computers and Internet access at or through senior centers in rural areas with the availability of computers and Internet access at or through senior centers in non-rural areas; and

(ii) a comparison of the availability of computers and Internet access at or through senior centers that do not serve a high percentage of low-income older individuals with the availability of computers and Internet access at or through senior centers that do not serve a high percentage of low-income older individuals.

(C) A proposal for a program to provide additional subsidies or assistance to enhance senior centers' abilities to serve older individuals, under which program—

(i) all senior centers would be eligible for such subsidies or assistance; and

(ii) priority would be given in the provision of such subsidies or assistance to senior centers that serve a high percentage of low-income older individuals.

(D) An estimate of the annual cost of the program proposed under subparagraph (C).

(g) DEFINITIONS.—In this section:

(1) LOW-INCOME OLDER INDIVIDUAL.—The term "low-income older individual" means an older individual whose income level is at or below the poverty line (as that term is defined in section 108(d) of the Older Americans Act of 1965 (42 U.S.C. 3002(4))).

(2) OLDER INDIVIDUAL.—The term "older individual" has the meaning given that term in section 201(b) of the Older Americans Act of 1965 (42 U.S.C. 3002(38)).

(3) SENIOR CENTER.—The term “senior center” means any facility that is eligible to receive funding under title III of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.).

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated $30,000,000 for purposes of the pilot program required by this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

By Mr. BENNETT (for himself and Mr. SCHUMER):


REPORTING PROGRESS ON IMPLEMENTING PRESIDENTIAL DECISION DIRECTIVE NO. 63 (PDD–63):

Mr. BENNETT. Mr. President, I rise today to introduce legislation with Senator Schumer. I wanted to thank my colleague and his staff for their hard work and full partnership in arriving at what I believe is a critical first step to insuring this nation's security in a world of growing cyber threats. I have been concerned for some time now that Presidential Decision Directive 63 (PDD 63) does not clearly define a role for the Department of Defense (DOD). In one sentence, PDD 63 states that the DOD is assigned the role of "defense" but does not elaborate how it relates to this vague assignment. Our legislation will require that the DOD begin the thinking process of how it is integrating its different capabilities and assets into an "indications and warning architecture." Each of the Services is developing its individual information warfare capabilities at this moment, and it is not clear how they are being integrated or coordinated. The DOD was supposed to report on the future of the National Communications System (NCS) in 1996 and 1997, but as far as I know that report was never completed. NCS has been identified as a unique public-private partnership with major telephone carriers and information systems providers and could be a useful entity to defend against a widespread attack.

This bill will require the DOD to describe how it is working with the intelligence community to identify, detect and counter the threat of information warfare programs of hostile states and to identify potential hostile sub-national organizations. One thing my Y2K experience has made very clear to me is that the coordination of intelligence and the proper identification of threat and intention is increasingly difficult. We often lack the human intelligence, just a research. The growing need for reconnaissance, and that makes coordinated and integrated technology all the more important.

We must begin to work from a position of having a consistent understanding of the terms we use. It is central to this idea to define the terms: nationally ‘significant cyber event’ and ‘cyber reconstitution.’ PDD 63 and the National Plan do not define these terms and the lack of definition causes confusion and imprecise program development.

Also, during Y2K we found that the DOD has a large dependency on foreign infrastructure and that we must develop a way to assure and defend that infrastructure electronically. Any collapse of an infrastructure would hurt our force projection capability.

Our offensive and defensive information operations need to evolve together in an integrated fashion. We need to identify elements of a defense against an information warfare attack, including how the capability of the U.S. Space Command's Computer Network Attack Capability will be integrated into the overall cyber defense of the U.S.

Mr. President, in closing I cannot overemphasize my concern for a thoughtful approach and sense.
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. 2703

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

SECTION 1. REPORTS ON FEDERAL GOVERNMENT PROGRESS IN IMPLEMENTING PRESIDENTIAL DECISION DIRECTIVE NO. 63 (PDD±63).

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

(1) The protection of our Nation's critical infrastructure is of paramount importance to the security of the United States.

(2) The vulnerability of our Nation's critical sectors—such as financial services, transportation, communications, and energy and water supply—has increased dramatically in recent years as our economy and society have become ever more dependent on interconnected computer systems.

(3) Threats to our Nation's critical infrastructure will continue to grow as foreign governments, terrorist groups, and criminals increasingly focus on information warfare as a method of achieving their aims.

(4) Addressing the computer-based risks to our Nation's critical infrastructure requires extending coordination and cooperation among all Federal agencies and the private sector.

(5) Presidential Decision Directive No. 63 (PDD±63) identifies 12 areas critical to the functioning of the United States and requires certain Federal agencies, and encourages private sector industries, to develop and coordinate prevention strategies, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall defense of the United States.

(b) REPORT REQUIREMENTS.—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific strategies undertaken by the Federal Government as of the date of the report to develop information assurance strategies and the timetable for the Federal Government for operationalizing and fully implementing critical information systems defenses by May 2003.

The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan, and that these plans be fully operational not later than May 2003.

(B) REPORT REQUIREMENTS.—(1) Not later than July 1, 2001, the President shall submit to Congress a comprehensive report detailing the specific strategies undertaken by the Federal Government as of the date of the report to develop information assurance strategies and the timetable for the Federal Government for operationalizing and fully implementing critical information systems defenses by May 2003.

The report shall include the following:

(A) A detailed summary of the progress of each Federal agency in developing an internal information assurance plan, and that these plans be fully operational not later than May 2003.

(B) The progress of Federal agencies in establishing partnerships with relevant private sector industries.

(C) The status of cyber-security and information assurance capabilities in the private sector industries at the forefront of critical infrastructure protection.

(2) (A) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a detailed report on Department of Defense plans and programs to organize and coordinate defense against attacks on critical infrastructure assets (including information-based systems) in both the Federal Government and the private sector.

(3) The report shall be provided in both classified and unclassified formats.

(4) If the Secretary of Defense fails to prepare a detailed report under paragraph (2), the Secretary of Defense shall include the following:


(ii) A description of the manner in which the Department is integrating its various cyber-security capabilities and assets (including information-based systems) in both the Federal Government and the private sector.

(iii) A description of Department work with the intelligence community to identify, detect, and counter threats to critical information systems defense by May, 2003.

(iv) A description of the organization of Department to protect its foreign-based infrastructure and networks.

(v) An identification of the elements of a defense against an information warfare attack, including the integration of the Computer Network Attack Capability of the United States Space Command into the overall cyber-defense of the United States.

By Mr. AKAKA (for himself, Mr. DURBIN, Mr. SARABANES, Ms. MUKULSKI, Mr. EDWARDS, and Mr. BAUCUS)

S. 2703. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Governmental Affairs, to designate the Postal Service as a public corporation, and for other purposes.

Mr. AKAKA. Mr. President, I rise today to introduce the Postmasters Fairness and Rights Act, which will allow our nation's postmasters to take an active and constructive role in managing their post offices and discussing compensation issues. I am joined by Senators DURBIN, SARABANES, MUKULSKI, EDWARDS, and BAUCUS in offering this legislation.

Current postmasters lack an equitable process for discussing pay and benefits and have seen an erosion of their role in improving the quality of mail service to postal patrons and managing their local post offices. These inequities have contributed to the decline in the number of postmasters since the reorganization of the Postal Service 30 years ago.

Our bill would create a positive and fair procedure to address the inequalities that have resulted from the Postal Service's failure to establish "consultative process." This would foster better mail service by investing Postmasters with greater input in operational decision-making, improving Postmasters' morale, and helping attract and retain qualified Postmasters. It should also define "Postmaster" for the first time.

Mr. President, the Postal Service estimates that seven million customers a day transact business at post offices. We expect timely delivery of the mail 6 days a week. The Postal Service does not disappoint us. Given the regularity of mail delivery and the number of Americans visiting post offices daily, it is no wonder that we have come to view our neighborhood post offices as cornerstones of our communities. In fact, many of our towns and cities have developed around a post office where the postmaster served as the town's only link to the federal government.

Our nation's postmasters are on the front line to ensure that the mail gets delivered in a timely manner, and they have helped fuel the infrastructure that boosted the performance ratings of the Postal Service to an all-time high in 1999.

Despite these successes, there remains the question of pay and compensation, which this bill addresses. I would also like to note that a House companion bill, H.R. 3942, introduced on March 8, 2000, enjoys bipartisan support from 23 cosponsors. I urge my colleagues to support this legislation. Thank you.
The Missouri River Valley Improvement Act

**Mr. KERREY.** Mr. President, one year ago I came to the floor of the United States Senate to introduce legislation designed to improve the environmental quality and public use and appreciation of the Missouri River. The Missouri River Valley Improvement Act of 1999, sought to also mark the upcoming bicentennial anniversary of the Lewis and Clark expeditions of this great river. I asked my colleagues who represent the states and communities along the Missouri River to look closely at the bill and join me as cosponsors in support of the legislation.

Through the hard work of state officials, river organizations and citizens throughout the Missouri River basin, many significant improvements have been made to this bill. I believe these improvements strengthen our commitment to protecting the Missouri River. I am pleased, therefore, to introduce today, along with my colleagues Senator DASCHLE, Senator BOND, Senator JOHNSON, Senator BROWNBACK and Senator AKAKA, the Missouri River Valley Improvement Act of 2000.

This legislation maintains the commitment made in last year's bill to aid native river fish and wildlife, reduce flood loss, and enhance recreation and tourism throughout the basin. Additionally, this bill provides authorities for the revitalization of historic riverfronts, similar to the ongoing 'Back to the River' revitalization project currently underway in my home state of Nebraska. The new legislation also recognizes the commitment Congress made last year to habitat restoration efforts along the Missouri River, by authorizing resources for these projects.

I am proud of the bipartisan support garnered for this legislation. This bill demonstrates that common ground exists when it comes to strengthening the health of our great river. Those who use the river whether it be for recreational, commercial, or environmental purposes recognize the benefits of preserving this National treasure. Protecting native habitat along the Missouri River and enhancing environmental understanding through riverfront restoration and scientific monitoring is a legacy we should all want to leave our children and grandchildren.

Mr. President, it is my hope that this bill becomes law recognizing that the environmental revitalization of the Missouri River is in all of our interests. The Missouri River Valley Improvement Act of 2000 will help to restore and improve our access and enjoyment of the river, and will provide vital economic, recreational and educational opportunities for everyone who lives along and visits this great river, the Crown Jewel of the Midwest.

**Mr. THOMPSON.** (for himself, Mr. LIEBERMAN, Mr. AKAKA, Ms. COLLINS, Mr. DURBIN, Mr. LEVIN, and Mr. VOINOVICH):
smooth transition from one administration to another. The current Administration has recognized the importance of these activities by including additional funds for it in its FY 2001 budget request for the General Services Administration.

Our bill supplements the framework established by H.R. 337. Our bill includes the authorization of federal funds to be spent for the training and orientation of officials a President intends to nominate to key positions in the executive department and agency. We hope the incentives proposed in our bill will help improve and smooth the transition process by which elected Presidents and their political appointees transition to the ground running by preparing for the job before they are nominated.

Additionally, our bill requires the preparation of a “transition directory.” This valuable tool will be a compilation of materials that provide information to prospective appointees about the organization of federal departments and agencies, as well as the statutory and administrative authorities, functions, duties, and responsibilities of each federal department and agency. With this tool, prospective appointees can better manage the new, important positions they are preparing to undertake.

Finally, our bill requires the Office of Government Ethics conduct a study and submit a report to Congress on potential improvements to the current financial disclosure process. Presidential nominees are currently required to undergo a financial disclosure process, and their potential appointees transition to power and assume their responsibilities. We hope the incentives provided in this legislation will encourage and enable presidential candidates, presidents-elect and newly sworn presidents to be up and running on the day after the inauguration.

Mr. President, I ask unanimous consent that the record be extended on this matter.

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took an average of two months in Kennedy’s day but now consumes more than nine months. One tool being created is a CD-ROM modeled on the tax software that consolidates all of the questions asked on the various government forms and in FBI background checks. “The purpose of it is to make it easier to understand the kind of paperwork they have to negotiate,” says Terry Sullivan, the North Carolina political scientist overseeing the project. The effort is to make it easier for the new administration or, if it’s non-partisan, for the public. The New York Times reported that Carter had to negotiate a tremendous amount of paperwork to overcome the executive branch. Carter gave him the go-ahead on May 27—just about this point in the cycle—but ordered seven to ten interviews.

Why the need for such a large head start? Mainly because the process of identifying the key officials and getting them in place can take a long time. In particular, the clearance procedures can take “a long time, even if you don’t know what their job will be,” Gray said, “because there will always be a glitch.”

Who are those key officials? Richard E. Neustadt, the Harvard professor whose work on the presidency is a handbook for several administrations, was unequivocal in his answer. “Choose the White House staff before you pick the Cabinet,” he said, “so they can begin to relate to each other in the process of Cabinet selection. Don’t do the Cabinet first.”

President Clinton famously did the opposite and dallied so long in Cabinet-making that he had to fire his own Cabinet before he moved from Little Rock to Washington. He paid a price; many of those last-minute White House appointees turned out to be ill suited for their jobs and had to be replaced.

The Reagan transition is considered by scholars the best of recent times. Planning began well before Election Day and was aided by the outgoing administration, said Edwin Meese III, the transition director who later became attorney general. Carter and Reagan’s White House office gave him the help they had received four years before from defeated President Ford, through his top aides Richard Cheney and John O. Marsh, that they went out of their way to help the Reagan people.

No one can predict how much help the retiring Clintonites will give to their successors, though it presumably would be extended automatically to Gore’s people. But plenty of guidance will be available to the incoming president from outside government.

Four think tanks—Heritage, the American Enterprise Institute, the Brookings Institution and the Center for the Study of the Presidency—all have major transition studies underway and will be ready with briefing papers for the winners.

In addition, the American Political Science Association with a Few Charitable Trusts grant, has a White House 2001 project. Martha Kumar, a professor at Towson University, and her colleagues have interviewed 75 officials from the past six White Houses and are collecting the “first institutional memory” of seven key White House offices, which together make up the nerve center of the presidency.

They will present the president-elect’s team with seven short essays, drawn from the interviews, on “how the place should work,” plus something that never before existed—a Rolodex of past officials in those offices and their phone numbers.

This may sound elementary, but the reality is that when a new president moves in, his aides have to find empty filing cabinets and disconnected computers. They need help.

And it will be there, especially if Gore and Bush don’t procrastinate in starting their transition planning.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators Thompson, Levin, Durbin, Voinovich, Collins and Akaka to introduce this legislation, which will help improve the transition from one Presidential Administration to the next by providing training and other assistance.

Mr. SANTORUM. Mr. President, has the power to bring into government, with the advice and consent of the Senate, his or her own selection of political appointees to manage key agencies and offices within the Executive Branch. However, new administrations face a series of hurdles they must overcome to accomplish this essential task before they can begin to govern. For example, new administrations often lack critical information about the jobs they must fill. Individuals without prior government experience who are selected for key positions may be unfamiliar with how to work with Congress and the media and may run the risk of missteps early in their tenure. But perhaps most importantly, the process by which these individuals are identified and confirmed has fallen into increasing disarray in recent years. Knowledgeable observers have warned that it could take until November 2001 before all the senior members of the new Administration have been confirmed, due to factors such as lengthier back-ground checks, burdensome and duplicative financial disclosure forms, and a more contentious Senate confirmation process.

The bill we are introducing today is a first step in responding to these problems. It provides for training and orientation of high-level Presidential appointees, to better prepare them for the challenges of their new positions. It provides for the preparation of a “transition directory” containing essential information about the agency structure and responsibilities these new appointees will face. Our bill directs the Office of Government Ethics to study ways to streamline the current financial disclosure process, while still ensuring disclosure of possible conflicts of interest.

More may need to be done. Several studies are underway to look at how we can further improve the transition process, including the Presidential Appointee Initiative and the Transition to Governing Project. I commend those undertaking these studies and their efforts to provide assistance to the up-coming crop of nominees, and I look forward to recommendations for future action.

By Mr. SANTORUM (for himself and Mr. KOHL).

S. 27. A bill to amend the Agricultural Market Transition Act to establish a program to provide dairy farmers a price safety net for small- and medium-sized dairy producers to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL DAIRY FARMERS FAIRNESS ACT OF 2000

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that...
will assist our nation’s dairy farmers at a time when the dairy industry is facing tremendous difficulty. This legislation proposes a regionally equitable plan that will bring some predictability to a business that is otherwise characterized by inherent variability that accompanies dairy farming.

I am pleased to have Senator Herb Kohl of Wisconsin join with me today in this effort. Given the importance of the dairy industry to our respective states, Senator Kohl and I worked together over the past few months to forge a consensus plan that addresses the concerns of dairy farmers nationwide. For far too long, regional politics has plagued efforts to achieve a fair and equitable national dairy policy. As a result, milk pricing has become increasingly complex and overly prescriptive. Given that dairy farmers are receiving the lowest price for their milk, we need to be compensatory. I feel strongly that Congress needed to step to the plate and offer a fair and responsible solution—the very reason for this action.

The National Dairy Farmers Fairness Act has two major goals: 1. create a dairy policy that is equitable for farmers in all regions of the country; 2. provide stability for dairy producers in the prices they receive for their milk. To accomplish these goals, this legislation creates a safety net for farmers by providing supplemental assistance when milk prices are low. Specifically, a sliding scale payment is made based upon the previous year’s price for the national average for Class III milk. In essence, the payment rate to farmers is highest when the prices they received were the lowest. In order to be eligible, a farmer must have produced milk for commercial sale in the previous year, and the lowest price received was below $12.85 per hundredweight. All dairy producers would be eligible to participate under this scenario.

Without a doubt, our dairy pricing policy is flawed. Many solutions—modest as they have beenavor presented, discussed, and debated on the Senate floor yet final agreement among interested parties has so far eluded us. As a member of the Senate Agriculture Committee who represents the fourth largest dairy producing state in the nation, I am committed to preserving the viability of Pennsylvania’s dairy farmers. This legislative proposal represents the strong concern and interest of mine to find a middle ground in the otherwise volatile industry. Again, I am pleased to join with Senator Santorum in introducing this legislation and look forward to working with him in passing this important legislation.

By Mr. Craig (for himself, Mr. Craig, and Mr. Burns):
S. 2707. A bill to help ensure general aviation aircraft access to Federal land and the airspace over that land; to the Committee on Energy and Natural Resources.

The backcountry landing strip access act
By Mr. Craig (for himself, Mr. Craig, and Mr. Burns), the Committee on Energy and Natural Resources. This bill would authorize to acquire and operate general aviation airports in the backcountry of the United States. The bill would also require that the Secretary of Agriculture consult with the Interior Department and other interested parties prior to any action that would affect access to these airports.

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June 8, 2000
Among the other vital functions of backcountry airstrips are their use for firefighting, search and rescue, and especially their availability to pilots in emergencies. Backcountry airstrips are analogous to fire engines in a firehouse. The airstrips are used daily, it is always available in an emergency. Likewise, backcountry airstrips are available as a safe haven for public flying in remote mountainous areas. Without the airstrips, these pilots have a little chance of survival while attempting an emergency landing.

Let me be clear, the Backcountry Landing Strip Access Act does not harm our forests or our wilderness areas, as some might suggest. Moreover, backcountry airstrips are regularly used by forest officials to maintain forests and trails, conduct ecological management projects, and aerial mapping. This bill is simply about access. The other airstrips that have already been closed, nor does it burden federal officials with maintenance requirements. In fact, pilots themselves regularly maintain backcountry airstrips.

The Backcountry Landing Strip Access Act is commonsense legislation that allows those who used and benefit from the airstrips to be involved in the decision-making process. I have always expected that decisions on the use of public land are best handled by those who are impacted the most, rather than federal bureaucrats in Washington, DC. In Idaho, we have evolved into a cooperative relationship with federal land managers. I believe that the rest of the country should benefit from this philosophy of cooperation. One we lose an airstrip it is gone forever. I urge my colleagues to join us in an effort to preserve the remaining backcountry airstrips.

By Mr. ASHCROFT:

S. 2708. A bill to establish a Patients Before Paperwork Medicare Red Tape Reduction Commission to study the proliferation of paperwork under the medicare program; to the Committee on Finance.

THE PATIENTS BEFORE PAPERWORK MEDICARE RED TAPE REDUCTION ACT OF 2000

Mr. ASHCROFT. Mr. President, medicare paperwork requirements burden America’s seniors, health care providers, and federal government staff that manage medicare.

In 1998, the average processing time for appeals of claims denied under medicare Part A was 310 days. For medicare Part B, the average appeal time was 524 days. Waiting periods of a year or longer are too long for America’s seniors to wait. These lengthy waiting periods tell me that there must be room for us to improve the way we administer medicare.

HCFA regulations on medicare consist of 110,000 pages—six times as long as the tax code, which is 17,000 pages. In addition, HCFA uses 23 different forms to administer the medicare program.

According to Dr. Nancy Dickey, Immediate Past President of the American Medical Association, for most doctors, “the biggest challenge is getting through mountains of medicare paperwork.”

Let me give you some examples of how paperwork burdens and related regulations are affecting the medicare program. Recently Dr. Joseph Marshall, a Washington, DC, gynecologist, became so frustrated with HCFA regulations that he chose to resign. He told his medicare patients free visits, so that he would avoid sending a bill to medicare. HCFA would not allow it. HCFA told him that if he did not bill HCFA, he could be fined and imprisoned.

A nonprofit Minnesota organization, Allina, which serves 35,000 seniors, expects to spend $2 million annually in paperwork related burdens. And medicare paperwork burdens have forced in-series reductions of paperless systems that “insurance claim service” firms to help them complete medicare paperwork. These firms charge to $20 to $75 an hour.

This is not the tax code I am referring to. This is medicare, the program that is supposed to bring health care to elderly Americans, not bury them and their doctors under mountains of paperwork.

During the Clinton Administration, more than a quarter of the 110,000 pages of medicare regulations and paperwork have been added. In April of last year, HCFA proposed 93 new regulations based on the Balanced Budget Act alone.

Mr. President, drowning doctors and patients alike in a morass of paperwork must end. The seniors who have been promised medicare coverage throughout their working lives deserve the services they merit. The doctors who treat them deserve our gratitude, not bureaucratic burdens and indifference.

Therefore, today I am introducing the “Patients Before Paperwork Medicare Red Tape Reduction Act of 2000.” This legislation would alleviate the problems associated with medicare paperwork burdens, and related regulations.

The Commission will be responsible for reviewing existing paperwork burdens and regulations. The Commission will include physicians, hospital administrators, senior citizens, nursing home and long term care administrators, and health care plan representatives, the very people best able to determine which forms are necessary and which forms create unfair burdens and time-wasting mandates from Washington.

The Commission will also explore the important issue of how patient-doctor relationships have been impacted by onerous paperwork requirements that force doctors to spend more time examining forms than examining patients.

This legislation would alleviate the burden that medicare paperwork imposes on millions of medicare beneficiaries, health care providers, and our own federal government. By establishing this Commission, we would create the opportunity to decrease medicare paperwork burdens on seniors and promote efficiency within the health care industry and within the federal government.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2708

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 “Patients Before Paperwork Medicare Red Tape Reduction Act of 2000.”

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Regulations promulgated by the Health Care Financing Administration to administer the medicare program under title XVIII of the Social Security Act are 3 times as long as the regulations relating to the internal Revenue Code of 1986.

(2) During the Administration of President Clinton, more than a quarter of the 110,000 pages of medicare regulations and paperwork have been added.

(3) According to American Medical Association Immediate Past President Dr. Nancy W. Dickey, for most doctors, “the biggest challenge is getting through mountains of medicare paperwork.”

(4) According to the Wall Street Journal, A non-profit medicare group, serving 35,000 medicare beneficiaries, expects to spend $2,000,000 annually in paperwork-related burdens.

(5) Medicare paperwork burdens have forced increasing numbers of medicare beneficiaries to resort to the use of “insurance claim service” firms that charge from $20 to $50 an hour.

(6) The Health Care Financing Administration uses 23 different forms in the administration of the medicare program.

In 1998, the average processing time for appeals of claims denied under part A of the medicare program was 310 days and the average appeal time was 524 days under part B of the medicare program.

SEC. 3. PATIENTS BEFORE PAPERWORK MEDICARE RED TAPE REDUCTION COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Patients Before Paperwork Medicare Red Tape Reduction Commission (in this section referred to as the “Commission”).

(b) DUTIES OF THE COMMISSION.—The Commission shall:

(1) review existing paperwork burdens and related regulations under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), with the goal...
of reducing the paperwork burdens under such program;
(2) analyze whether existing and proposed paperwork requirements and related regulations have favorable benefits, including a positive health benefit for medicare beneficiaries;
(3) make recommendations regarding methods to streamline and to simplify the coding method for items and services for which reimbursement is provided under the medicare program;
(4) make recommendations regarding the facilitation of electronic filing of claims for reimbursement and the elimination of paperwork requirements;
(5) develop a standard form that will minimize any duplication of data and that facilitates the creation of an electronic system that relies on less paperwork than the current system;
(6) determine the effect of the paperwork requirements under the medicare program on relationships between doctors and patients; and
(7) review and analyze such other matters relating to paperwork reduction under the medicare program as the Commission deems appropriate.

(b) Membership.—
(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall be composed of 11 members, of whom—
(i) 3 shall be appointed by the President, of whom not more than 2 shall be of the same political party;
(ii) 3 shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, of whom not more than 2 shall be of the same political party;
(iii) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, of whom not more than 2 shall be of the same political party;
(iv) 1, who shall serve as Chairperson of the Commission, appointed jointly by the President, Majority Leader of the Senate, and the Speaker of the House of Representatives; and
(v) 1, who shall serve as the Secretary of Health and Human Services or the Administrator of the Health Care Financing Administration, as determined by the President.

(B) Membership.—
(i) IN GENERAL.—Each member appointed under paragraph (1) except for the member described in subparagraph (A)(iv), shall be—
(1) a health care provider, insurer, or expert familiar with the medicare program; or
(2) an individual who is a beneficiary of the medicare program.

(ii) INCLUSION OF PRACTICING PHYSICIANS.—At least 1 member appointed under this paragraph shall be a practicing physician.

(iii) TERMS OF APPOINTMENT.—The term of any appointment under paragraph (1) to the Commission shall be for the life of the Commission.

(iv) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of its members.

(v) QUORUM.—A quorum shall consist of a majority of the members of the Commission, except that 3 members may conduct a hearing under subsection (e)(1).

(vi) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy and shall not affect the power of the remaining members to exercise the powers of the Commission or to perform the duties of the Commission.

(vii) COMPENSATION.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(viii) EXPENSES.—Each member of the Commission shall receive travel expenses and per diem allowances in accordance with sections 5702 and 5703 of title 5, United States Code.

(ix) STAFF AND SUPPORT SERVICES.—
(1) EXECUTIVE DIRECTOR.—
(A) APPOINTMENT.—The Chairperson shall appoint an executive director of the Commission.

(B) COMPENSATION.—The executive director shall be paid the rate of basic pay for level V of the Executive Schedule.

(x) STAFF AND SUPPORT SERVICES.—
(1) STAFF.ÐWith the approval of the Commission, the executive director may appoint such personnel as the executive director considers appropriate.

(2) POWERS OF COMMISSION.—The staff of the Commission shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and general schedule pay rates).

(3) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the executive director may retain and engage such experts and consultants as the executive director considers appropriate.

(4) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(5) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 503 of title 5, United States Code. Upon request of the Commission, the head of such agency shall furnish such information to the Commission.

(6) ADMINISTRATIVE SUPPORT SERVICES.— Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, to the extent practicable, such administrative support services as the Commission may request.

(7) REPORTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.

(8) OTHER AUTHORITY.—The Commission that receive the approval of the Commission that receive the approval of the Commission that receive the approval of the Commission, the Comptroller General of the United States, the Director of the Office of Personnel Management, or the head of any other agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code.

(9) TERMINATION.—The Commission shall terminate 30 days after the date of submission of the report required under subsection (f).

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

By Mr. BAUCUS (for himself, Mr. BOND, Mr. BINGMAN, Mr. DORGAN, Mr. DASCHLE, and Mr. KENNY) S. 2709. To establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions; to the Committee on Agriculture, Nutrition, and Forestry.

TRADE INJURY COMPENSATION ACT

• Mr. BAUCUS, Mr. President, rise today to introduce the Trade Injury Compensation Act of 2000. I am joined in this effort by Senator Bond, my fellow co-chairman of the Senate Beef Caucus, and Senators Bingaman, Dorgan, Daschle, and Kerrey.

The Trade Injury Compensation Act establishes a Beef Industry Compensation Trust Fund to help the United States cattle industry withstand the European Union’s illegal ban on beef treated with hormones.

Over a year ago, the World Trade Organization endorsed retaliation when the EU refused to open to American beef. Since that time, the EU has continued to stall in its compliance which is frankly, outrageous. For over a decade, Congress fought the beef battle. Now, it’s time to try something new to help producers who continue to be injured by the ban.

The Trade Injury Compensation Act establishes a mechanism for compensating the tariffs imposed on the EU to directly aid U.S. beef producers. Normally, the additional tariff revenues received from retaliation go to the Treasury.
This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

Our legislation authorizes the Secretary of Agriculture to provide grants to beef producers to improve the quality of beef produced in the United States; and

(1) Provide assistance to United States beef producers to improve the quality of beef produced in the United States; and

(2) Provide assistance to United States beef producers in market development, consumer education, and promotion of beef in the market in overseas markets.

The Secretary of the Treasury shall cease the transfer of funds equivalent to the duties on the beef retaliation list only when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market.

In a perfect world we would not need this legislation because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow. We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

I thank my colleagues for their sponsorship of this measure and strongly urge support for its expeditious passage.

By Mr. CAMPBELL (for himself, Mrs. HUTCHINSON, Mr. LAUTENBERG, Mr. ABRAHAM, Mr. BROWNBACK, Mr. HUTCHINSON, Mr. GRAHAM, Mr. DODD, and Mr. FEINGOLD):

S.J. Res. 48. A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act; to the Committee on the Judiciary.

THE HELSINKI FINAL ACT 25TH ANNIVERSARY RESOLUTION

Mr. CAMPBELL. Mr. President. Today in my capacity as Co-Chairman of the Commission on Security and Cooperation in Europe, I introduce a resolution commemorating the 25th anniversary of the Helsinki Final Act, one of the key international agreements of our time. I am pleased to be joined by all Senate Commissioners, Senator HUTCHINSON, LAUTENBERG, ABRAHAM, BROWNBACK, HUTCHINSON, GRAHAM, DODD, and FEINGOLD, who are original cosponsors. A companion resolution also is being introduced today in the House by our colleague, Congressman CHRIS SMITH of New Jersey, who chairs the Helsinki Commission.

Five years ago, during the 20th anniversary commemorations in Helsinki, President Gerald Ford said: "The Helsinki Accords, the Final Act, was the final nail in the coffin of Marxism and communism in many, many countries, and helped to bring about the change to a new system and a change to a more market-oriented economic system." Indeed, the Helsinki Final Act, signed by President Ford in 1975, marked the beginning of a process which has served U.S. interests in advancing democracy, human rights and the rule of law within a comprehensive framework covering the security, economic, and human dimensions.

The legacy of Helsinki is especially historic with respect to what is now referred to as the "human dimension." The Helsinki process—now named the Organization for Security and Cooperation in Europe (OSCE), is rightly credited with playing a contributing role in bringing down the Berlin Wall and Iron Curtain, and in uniting the former Soviet Union. In short, the Helsinki process helped make it possible for the people of Central and Eastern Europe and the former Soviet Union to regain their freedom and independence.

In a perfect world we would not need this legislation because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow. We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

I thank my colleagues for their sponsorship of this measure and strongly urge support for its expeditious passage.
renamed the Organization for Security and Co-operation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the “Helsinki Final Act”);

Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations;

Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for principles enshrined in the Helsinki Final Act;

Whereas the United States Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, “Human rights and fundamental freedoms are the birthright of all human beings, and inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government”;

Whereas in the 1991 Document of the Moscow Meeting on the Human Dimension of the CSCE, the participating states “categorically and irrevocably declared that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves “to build, consolidate and strengthen democracy as the only system of government of our nations”;

Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia;

Whereas the main challenge facing the participating states remains the implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity;

Whereas the participating states have committed themselves to promote economic reforms through enhanced transparency for economic activity with the aim of advancing the principles of market economies;

Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of democracy initiatives designed to prevent, manage, and resolve conflict within and among the participating states;

Whereas the politico-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE’s concept of comprehensive security;

Whereas the OSCE has played an increasingly active role in civilian police-related activities, as an integral part of OSCE’s efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress calls upon the President to:

(1) issue a proclamation—

(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all signatory states to abide by the Security Corit to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

ADDITIONAL COSPONSORS
S. 662
At the request of Mrs. Snowe, the name of the Senator from Tennessee (Mr. Frist) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 764
At the request of Mr. Thurmond, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 764, a bill to amend section 1951 of title I, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 796
At the request of Mr. Wellstone, the name of the Senator from West Virginia (Mr. Byrd) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 808
At the request of Mr. Jeffords, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1087
At the request of Mr. Hutchinson, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 1087, a bill to amend title 38, United States Code, to add bilateralavalued as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1487
At the request of Mr. Wyden, the name of the Senator from Nebraska (Mr. Hagel) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1592
At the request of Mr. Durbin, the name of the Senator from Rhode Island (Ms. Mikulski) was added as a cosponsor of S. 1592, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1605
At the request of Mr. Kennedy, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 1605, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available agricultural commodities under the emergency food assistance program, and for other purposes.

S. 1834
At the request of Mr. Daschle, the name of the Senator from South Dakota (Mr. Johnson) was added as a cosponsor of S. 1834, a bill to amend title XIX of the Social Security Act to restore medicaid eligibility for certain supplementary security income beneficiaries.

S. 2018
At the request of Mr. Hutchison, the names of the Senator from New Mexico (Mr. Bingaman) and the Senator from Idaho (Mr. Crapo) were added as coponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to inpatient hospitals under the medicare program.

S. 2050
At the request of Mr. Reid, the name of the Senator from Arkansas (Mrs.
LINCUM) was added as a cosponsor of S. 2060, a bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem.

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) 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. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide sufficient 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.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

At the request of Mr. BROWNBACK, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

At the request of Ms. COLLINS, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors 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 Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2396, a bill to extend the Stamp Out Breast Cancer Act.

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

At the request of Mr. L. CHAFEE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

At the request of Mr. COVERDELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 2459, 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.

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

At the request of Mr. THURMOND, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor 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.

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2562, a bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2563, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2563, supra.

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2565, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of 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.

At the request of Mr. FEINGOLD, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 2630, a bill to prohibit products that contain dry ultrafiltered milk products or casein from being labeled as natural cheese, and for other purposes.

At the request of Mr. STEVENS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2643, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

At the request of Mr. ASHCROFT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2671, a bill to amend the Internal Revenue Code of 1986 to promote pension opportunities for women, and for other purposes.

At the request of the Senators from Virginia (Mr. ROBB) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. Con. Res. 57, a concurrent resolution concerning the emancipation of the Iranian Bahai community.

At the request of Mrs. FEINSTEIN, the names of the Senators from Georgia (Mr. COVERDELL), the Senator from Illinois (Mr. DURBIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. Con. Res. 102, a concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy.

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Delaware (Mr. BIDEN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ROBB), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. COVERDELL), the Senator from
SEC. 1010. REPEAL OF CERTAIN PROVISIONS

Sections 336 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113 (113 Stat. 150A-306), are repealed.

ROBB AMENDMENT NO. 3218

Mr. LEVIN (for Mr. Robb) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 101, between lines 6 and 7, strike the following:

``1010. REPEAL OF CERTAIN PROVISIONS

Sections 336 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113 (113 Stat. 150A-306), are repealed."

WARNER (AND ROBB) AMENDMENT NO. 3219

Mr. WARNER (for himself and Mr. Robb) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 501, between lines 10 and 11, insert the following:

``SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1990 PROJECT.

(a) INCREASE.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1990 and title II of division B of Public Law 101-189, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 106-65, 112 Stat. 2190), is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking `$351,354,000’ and inserting `$359,854,000’."

CONFORMING AMENDMENT.—Section 2405(b)(2) of the Military Construction Authorization Act for Fiscal Years 1999 and
Mr. WARNER proposed six amendments to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3220
On page 94, between lines 6 and 7, insert the following:

(a) For payment to the Texas Natural Resource Conservation Commission of a cash fine for permit violations assessed under the Solid Waste Disposal Act.

AMENDMENT NO. 3221
On page 88, strike line 11 and all that follows through page 92, line 19.

AMENDMENT NO. 3222
On page 147, line 6, strike “section 573(b)” and insert “section 573(c)”. On page 303, strike line 10 and insert the following:

SEC. 901. REPEAL OF LIMITATION ON MAJOR DEFENSE PROGRAMS.
On page 359, beginning on line 11, strike “Defense Finance and Accounting System” and insert “Defense Finance and Accounting Service”.
On page 359, beginning on line 12, strike “contract administration service” and insert “contract administration services system”.

On page 359, beginning on line 9, strike “Defense Finance and Accounting System” and insert “Defense Finance and Accounting Service”. On page 359, beginning on line 12, strike “contract administration service” and insert “contract administration services system”.

AMENDMENT NO. 3223
On page 584, line 13, strike “3101(c)” and insert “3101(a)(1)(C)”. On page 565, strike lines 9 through 13.

AMENDMENT NO. 3224
On page 554, line 25, strike “$31,000,000.” and insert “$32,000,000.”.

On page 555, line 4, strike “$15,000,000.” and insert “$26,000,000.”.

CLELAND (AND OTHERS) AMENDMENT NO. 3226
Mr. LEVIN (for Mr. CLELAND for himself, Mr. LEVIN, Mr. ROBB, Mr. REED, Mr. WARNER, Mr. MCCAIN, Mr. ABRAHAM, and Mr. EFFORDS) proposed an amendment to the bill, S. 2549, supra;

At the end of title VI, add the following new subtitle:

Subtitle F—Education Benefits

SEC. 671. SHORT TITLE.
This subtitle may be cited as the “Helping Our Professionals Educationally (HOPE) Act of 2000.”

SEC. 672. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE BY CERTAIN MEMBERS OF THE ARMED FORCES.
(a) AUTHORITY TO TRANSFER TO FAMILY MEMBERS.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces.

(1) An individual transferring an entitlement under this section may first transfer entitlement to a family member. Notwithstanding section 303 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

(c) In the event of an overpayment of educational assistance under this section, the dependent to whom such entitlement is transferred shall be fully responsible for the amount of the overpayment.

(3) Except as provided in subsection (c), an individual entitled to educational assistance under this chapter may not commence the use of entitlement transferred under this section before the date on which the Secretary determines that the older and more qualified individual referred to in paragraph (2) is entitled to the use of that entitlement under this chapter.

(d) Notwithstanding section 303 of this title, a child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

(2) The aggregate amount of the entitlement transferable by an individual under this section shall not exceed the aggregate amount of the entitlement of such individual to basic educational assistance under this chapter.

(e) In the event of an overpayment of educational assistance under this section, the dependent to whom such entitlement is transferred shall be fully responsible for the amount of the overpayment.

(f) The Secretary of a military department may approve transfers of educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in the fiscal year for purposes of section 3655 of title 38.
“(g) The Secretary of Defense shall pre-
scribe regulations for purposes of this sec-
tion. Such regulations shall specify the man-
ner and effect of an election to modify or re-
voke a transfer of entitlement under sub-
section (c)(3) and shall specify the manner of
the applicability of the administrative provi-
sions referred to in section 3018A. The Regu-
lations shall be in accordance with this section
and section 3018A of this title as of that date;
(1) either—
(A)(i) is a participant on the date of the
enactment of this section in the educational
benefits program provided by chapter 32 of
this title; or
(ii) disenrolled from participation in that
program before that date; or
(B) has made an election under section
3018A(c) of this title not to re-
cieve educational assistance under this
chapter and has not withdrawn that election under section
3018(a) of this title as of that date;
(2) is serving on active duty (excluding
periods referred to in section 3202(1)(C) of
this title in the case of an individual de-
scribed in subsection (d)(1)(B)); or
(3) before applying for benefits under this
section, has completed the requirements of a
secondary school diploma (or equivalency
certificate) or has successfully completed the
beginning of 12 semester hours in a pro-
gram of education leading to a standard col-
lege degree.

(1) An individual permitted to make an
election under this section to become enti-
tled to basic educational assistance under
this chapter shall make an irrevocable elec-
tion to receive benefits under this section in
lieu of benefits under chapter 32 of this title
or withdraw the election made under section
3018A(c) or 3018A(d) of this title, as the case
may be, pursuant to procedures which the
Secretary of each military department shall
provide in accordance with regulations pre-
scribed by the Secretary for the purpose of
carrying out this section or which the
Secretary of Transportation shall pro-
vide for such purpose with respect to the
Coast Guard when it is not operating as a
service in the Navy.

(2) An individual who is indexed to elect under this section shall
have the election described in subsection (b) of this section, has completed the
required periods referred to in section 3018D of this title in the case of an
individual described in subsection (d)(1)(B) of this title, for one or more of
the purposes set forth in section 3018A of this title as of that date.

(3) An individual who makes an election under this section to be-
come entitled to basic educational assistance under this section shall
be the completion of the period of active duty being served by the individual
on the date of the enactment of this section or which the Secretary
of Defense has determined the election described in subsection (b) of this
section to become entitled to basic educational assistance under this
section during the preceding year.

(2) Each report shall set forth—
(A) the number of transfers of entitle-
ment under this section that were approved
by such Secretary during the preceding year;
or
(B) if no transfers of entitlement
under this section were approved by such Secretary
during that year, a justification for such
Secretary’s decision not to approve any such
transfers of entitlement during that year.
..
(d) PLANS FOR IMPLEMENTATION.—(1) Not later than June 30, 2003, the Secretary of Defense shall submit to Congress a report describing the manner in which the Secretaries of the military departments propose to exercise the authority granted by section 3018A of title 38, United States Code, as added by subsection (a).

(2) Not later than June 30, 2003, the Secretary of Transportation shall submit to Congress a report describing the manner in which that Secretary proposes to exercise the authority granted by such section 3018A with respect to members of the Coast Guard.

SEC. 674. MODIFICATION OF AUTHORITY TO PAY TUITION FOR OFF-DUTY TRAINING AND EDUCATION.

(a) AUTHORITY TO PAY ALL CHARGES.—Section 2007 of title 10, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsection:

"(a) Subject to subsection (b), the Secretary of a military department may pay all or a portion of the charges of an educational institution for the tuition or expenses of a member of the armed forces enrolled in such educational institution for education or training during the member's off-duty periods.

"(b) In the case of a commissioned officer on active duty, the Secretary of the military department concerned may not pay charges under subsection (a) unless the officer agrees to remain on active duty for a period of at least two years after the completion of the training or education for which the charges are paid;''; and

(2) in subsection (d)—

(A) by striking "(within the limits set forth in subsection (a))" in the matter preceding paragraph (1); and

(B) in paragraph (3), by striking "subsection (a)(3)" and inserting "subsection (b)(3)";

(b) USE OF ENTITLEMENT TO ASSISTANCE UNDER MONTGOMERY GI BILL FOR PAYMENT OF CHARGES.—(1) That section is further amended by adding at the end the following new subsection:

"(e)(1) A member of the armed forces who is entitled to basic educational assistance under chapter 30 of title 38 may use such entitlement for purposes of paying any portion of the charges described in subsection (a) or (c) that are not paid for by the Secretary of the military department concerned under such subsection.

"(2) The use of entitlement under paragraph (1) shall be governed by the provisions of section 3014(b) of title 38.''

(2) Section 3014 of title 38, United States Code, is amended—

(A) by inserting "(a)" before "The Secretary"; and

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

"(b)(1) In the case of an individual entitled to basic educational assistance who is pursuing education or training described in subsection (a) or (c) of section 2007 of title 10, the Secretary shall, at the election of the individual, pay the individual a basic educational assistance allowance to meet all or a portion of the charges of the educational institution for the education or training that are not paid by the Secretary of the military department concerned under such subsection.

"(2)(A) The amount of the basic educational assistance allowance payable to an individual under this subsection for a month shall be the amount of the basic educational assistance allowance to which the individual would be entitled for the month under section 3010 of this title (without regard to subsection (g) of that section) that was payment made under that section instead of under this subsection.

"(B) The maximum number of months for which an individual may be paid a basic educational assistance allowance under paragraph (1) is 36.''

(3) Section 3015 of title 38, United States Code, is amended—

(A) by striking "subsection (g)" each place it appears in subsection (a) and (b);

(B) by redesigning subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection:

"(g) In the case of an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title, the rate of the basic educational assistance allowance applicable to the individual under this section shall be the rate otherwise applicable to the individual under this section reduced by an amount equal to—

"(1) the aggregate amount of such allowances paid the individual under such section 3014(b); divided by

"(2) 36.''.

SEC. 675. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(1) SUBSISTING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that he has not applied for or been granted that pay;

"(iii) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies on active duty, except in the case of a member whose death, as determined by the Secretary concerned—

"(i) is a direct result of the member's intentional misconduct or willful neglect; or

"(ii) occurs during a period of unauthorized absence.''.

(2) The heading for subsection (d) of such section is amended by striking "RETIREMENT-ELIGIBLE''.

(b) AMOUNT OF ANNUITY.—Section 1451(c)(1) of such title is amended to read as follows:

"(1) IN GENERAL.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined by the Secretary concerned as—

"(A) BENEFICIARY UNDER 62 YEARS OF AGE .—The aggregate amount of such annuity payable to an individual under this subsection for a month shall be the amount equal to—

"(i) the aggregate amount of such annuity paid to an individual under this subsection for a month that the individual died during the 10-year period following the date the person is separated from the Selected Reserve as of the end of the 10-year period;

"(ii) the aggregate amount of such annuity that would be payable to an individual under this subsection to the surviving spouse of a member of the uniformed services who are 62 years of age or older.

SEC. 646. POLICY ON INCREASING MINIMUM SURVIVOR BENEFIT PLAN BASIC ANNUITIES FOR SURVIVING SPOUSES AGE 62 OR OLDER.

It is the sense of Congress that there should be enacted during the 106th Congress legislation that increases the minimum basic annuities provided under the Survivor Benefit Plan for surviving spouses of members of the uniformed services who are 62 years of age or older.

SEC. 647. SURVIVOR BENEFIT PLAN ANNUITIES FOR SURVIVORS OF ALL MEMBERS WHO DIE ON ACTIVE DUTY.

(a) ENTITLEMENT.—(1) Section 3048 of title 38, United States Code, is amended to read as follows:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that he has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service;

"(B) a member not described in subparagraph (A) who dies on active duty, except in the case of a member whose death, as determined by the Secretary concerned—

"(i) is a direct result of the member's intentional misconduct or willful neglect; or

"(ii) occurs during a period of unauthorized absence.''

(2) The heading for subsection (d) of such section is amended by striking "RETIREMENT-ELIGIBLE''.

(b) AMOUNT OF ANNUITY.—Section 1451(c)(1) of such title is amended to read as follows:

"(1) IN GENERAL.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined by the Secretary concerned as—

"(A) BENEFICIARY UNDER 62 YEARS OF AGE .—If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay imputed to the member or former member. The retired pay imputed to a member or former member is as follows:
(i) Except in a case described in clause
(ii), the retired pay to which the member or
former member would have been entitled if
the member or former member had been
terminated for pay based upon his years of ac-
tive service when he died.
(ii) In the case of a deceased member re-
ferred to in subparagraph (A)(ii) or (B) of
section 1446(d)(1) of this title, the retired pay
to which the member or former member
would have been entitled if the member had
been entitled to that pay based upon a re-
tirement under subparagraph (d)(1) of this
section (if on active duty for more than 30
days when the member died) or section 1204
of this title (if on active duty for 30 days or less
when the member died) and the disability rating
is equal to or greater than 50 percent, the dis-
ability rating is rated as total.

(B) BENEFICIARY 62 YEARS OF AGE OR OLDER

1. GENERAL RULE.—If the person receiv-
ing the annuity (other than a dependent
child) is 62 years of age or older when
the member or former member dies, the
monthly annuity shall be the amount equal to 35
percent of the retired pay imputed to the mem-
ber or former member as described in clause
(i) or (ii) of the second sentence of subpara-
graph (A).

(ii) RULE IF BENEFICIARY ELIGIBLE FOR SO-
CIAL SECURITY OFFSET COMPUTATION.—If the
beneficiary is eligible to have the annuity
computed under subsection (e) and, at the
time the beneficiary becomes entitled to the
annuity, computation of the annuity under
that subsection is more favorable to the ben-
eficiary than computation under clause (i), the
annuity shall be computed under that
subsection rather than under clause (i).

(c) INSURANCE COVERAGE.—(1) Section 1965
of title 38, United States Code, is amended by
adding at the end the following:

"(A) The member's spouse.

(3) A member of the uniformed ser-
vice who is a member of the Ready Res-
erve, the reserves under the jurisdiction of
the Secretary concerned, or the reserves of
any other governmental unit, shall, during
a period of active duty for training or in-
active duty training scheduled under
section 1446(a)(3) of this title, or the date certified
by the Secretary to the Secretary concerned
as the date of the member's death, receive
insurance under this subchapter.

(2) Sec. 610. RESTRUCTURING OF BASIC PAY TABLES

(a) Amendments.—Section 1965 of
Title 38, United States Code, is amended
by striking out the first sentence and in-
serting the following: "If a person eligible
for insurance under this subchapter is not so
insured, or is insured for less than the max-
imum amount elected as provided in such
subsection, the premium amount for the
year shall be the amount for which a
dependent of a member is insured under this
subchapter unless the member is in-
sured under such a subsection.

(b) Amendments.—(1) The Secretary shall
amend the pay tables under section 1446 of
this title, or the date certified by the Secretary to the Secretary concerned
as the date of the member's death, receive
insurance under this subchapter.

For certain members. Mr. WARNER (for himself and Mr. WARNER) proposed an
amendment to the bill, S. 2548, supra, as follows:

On page 206, between lines 15 and 16, insert the following:

SEC. 610. RESTRUCTURING OF BASIC PAY TABLES

(a) In General.—The table under the head-
ing "ENLISTED MEMBERS" in section 610(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 105±
113 Stat. 648) is amended by striking the
amounts relating to pay grades E±5, E±6, and
E±7 and inserting the amounts for the cor-
responding years of service specified in the
following table:
ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-7</td>
<td>1,765.00</td>
<td>1,907.80</td>
<td>2,003.00</td>
<td>2,073.00</td>
<td>2,148.60</td>
</tr>
<tr>
<td>E-8</td>
<td>1,332.00</td>
<td>1,494.00</td>
<td>1,596.00</td>
<td>1,640.40</td>
<td>1,715.70</td>
</tr>
<tr>
<td>E-9</td>
<td>2,277.00</td>
<td>2,350.70</td>
<td>2,423.20</td>
<td>2,485.90</td>
<td>2,570.90</td>
</tr>
<tr>
<td>E-10</td>
<td>2,032.00</td>
<td>2,066.40</td>
<td>2,168.60</td>
<td>2,241.90</td>
<td>2,294.80</td>
</tr>
<tr>
<td>E-11</td>
<td>1,821.00</td>
<td>1,893.00</td>
<td>1,967.10</td>
<td>1,967.80</td>
<td>1,967.80</td>
</tr>
<tr>
<td>E-12</td>
<td>2,644.20</td>
<td>2,717.50</td>
<td>2,844.40</td>
<td>2,955.50</td>
<td>3,134.80</td>
</tr>
<tr>
<td>E-13</td>
<td>2,032.00</td>
<td>2,066.40</td>
<td>2,135.00</td>
<td>2,235.00</td>
<td>2,335.00</td>
</tr>
<tr>
<td>E-14</td>
<td>1,967.00</td>
<td>1,967.00</td>
<td>1,967.00</td>
<td>1,967.00</td>
<td>1,967.00</td>
</tr>
</tbody>
</table>

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall take effect as of October 1, 2000, and shall apply with respect to months beginning on or after that date.

GRAMS (AND OTHERS)

AMENDMENT NO. 3230

Mr. WARNER (for Mr. Grams for himself, Mr. McCain, Mr. Sessions, Mr. Allard, Mr. Ashcroft, and Mr. Levin) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 239, after line 22, add the following:

Subtitle F—Additional Benefits For Reserves and Their Dependents

SEC. 671. SENSE OF CONGRESS.

It is the sense of Congress that it is in the national interest for the President to provide the funds for the reserve components of the armed forces (including the National Guard and Reserves) that are sufficient to ensure that reserve components meet the requirements specified for the reserve components in the national military strategy, including training requirements.

SEC. 672. TRAVEL BY RESERVES ON MILITARY AIRCRAFT.

(a) SPACE-REQUIRED TRAVEL FOR TRAVEL TO DUTY STATIONS INCONUS AND OCONUS.—(1) Subsection (a) of section 18505 of title 10, United States Code, is amended to read as follows:

``(a) A member of a reserve component traveling to a place of annual training duty or inactive-duty training (including a place other than the member’s unit training assembly if the member is performing annual training duty or inactive-duty training in another location) may travel in a space-available basis under the same terms and conditions applicable to travel outside the United States as apply to members of the armed forces if prescribed not later than 180 days after the date of the enactment of this Act."

(b) PERSONS ELIGIBLE.—Subsection (a) applies to the following persons:

``(1) A person who is a member of the Selected Reserve in good standing, or who is a member of the Individual Ready Reserve of the Navy or Coast Guard in good standing, as determined by the Secretary concerned.

(c) DEPENDENTS.—A dependent of a person described in subsection (b) shall be provided transportation under this section on the same basis as dependents of members of the armed forces entitled to retired pay.

(d) LIMITATION ON REQUIRED IDENTIFICATION.—Neither the ‘Authentication of Reserve Status for Travel Eligibility’ form (DD Form 1853), nor or any other form, other than the present required form of identification and duty orders upon request, or other methods of identification required of active duty personnel, shall be required of reserve component personnel using space-available transportation within or outside the continental United States under this section.”.

SEC. 673. BILLETING SERVICES FOR RESERVE MEMBERS TRAVELING FOR INACTIVE DUTY TRAINING.

(a) IN GENERAL.—(1) Chapter 1217 of title 10, United States Code, is amended by inserting after section 12603 the following new section:

``§ 12604. Billeting in Department of Defense facilities: Reserves attending inactive-duty training.

(b) EFFECTIVE DATE.—Section 12604 of title 10, United States Code, as added by subsection (a), shall apply to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.”.

SEC. 674. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking “but not more than” and all that follows and inserting “but not more than” followed by “60 days in any one year of service before the year of service that includes September 23, 1996”.

(b) EFFECTIVE DATE.—Section 12733(3) of title 10, United States Code, as added by subsection (a), shall apply to periods of inactive-duty training beginning more than 180 days after the date of the enactment of this Act.”.

SEC. 675. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS TRAVELING RELEASE FROM ACTIVE DUTY.

(a) LEGAL SERVICES.—Section 1044(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

``(4) Members of reserve components of the armed forces not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), but only during the period that begins on the date of the release and is equal to at least twice the length of the period served on active duty under such call or order to active duty.”.

(b) DEPENDENTS.—Paragraph (5) of such section, as redesignated by subsection (a)(2), is amended by striking “and” and inserting “(3) and (4)”.

(c) IMPLEMENTING REGULATIONS.—Regulations implementing the amendments made by this section shall be prescribed not later than 90 days after the date of the enactment of this Act.

The means for confirming a Reserve’s eligibility for billeting under subsection (a).”.
BINGAMAN (AND OTHERS)  
AMENDMENT NO. 323  
Mr. LEVIN (for Mr. BINGAMAN (for himself, Mr. WARNER, Mr. BIDEN, and Mr. INOUYE) proposed an amendment to the bill, S. 2549, supra; as follows:  
At the end of title X, insert the following:  
SEC. 10. DESIGN AND STRIKING.  
(a) FINDINGS.  
(1) Rear Admiral Husband E. Kimmel, formerly the Commander in Chief of the United States Pacific Fleet, and the Chief of Naval Operations, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.  
(2) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge."  
(3) On October 19, 1944, a Naval Court of Inquiry exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor, were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor"; criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of November 26 to December 7, 1941, important information regarding the Jap enemy situation"; and, concluded that the Jap enemy attack and its outcome was attributable to no serious fault on the part of the Japanese in the naval sector.  
(4) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Jap enemy intentions and war plans was available in Washington but was not shared with Admiral Kimmel and Lieutenant General Short.  
(5) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that Lieutenant General Short had not been adequately advised of the seriousness of the Jap enemy situation which indicated an increasing necessity for better preparation.
for war”; detailed information and intelligence about Japanese intentions and war plans were available in “abundance” but were not shared with the General Short’s Hawaii command; and Admiral Kimmel and Major General Short were not privy to the same critical information indicating an almost immediate break with Japan, though there were ample time to have accomplished this.

(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and Review revealed that Admiral Kimmel and Major General Short were denied their requests to defend themselves throughout by court-martial.

(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed and submitted, May 31, 1944, the page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.

(11) The then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., on April 27, 1954, recommended that Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.

(12) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army recommended that the late Major General Walter C. Short be advanced in rank in accordance with the provisions of OHRM 34, which stated that, upon the retirement of a person who is now or may in the future be entitled to the grade of major general on the retired list of the Army, and (2) any advancement in grade on a retired list requested under paragraph (1) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(13) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1954 recommendation against the advancement of Admiral Kimmel and recommended that the case of Admiral Kimmel be reopened.

(14) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of Rear Admiral Kimmel or Major General Short in grade, it did set forth as a conclusion of the study that “responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared”.

(15) The Dorn Report found that “Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications…which provided crucial confirmation of the intelligence of which they had been deprived; that “the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misinterpretations, some naiveté, too much confidence, ambiguous language, and lack of clarification and followup at higher levels”; and, that “together, these characteristics resulted in failure of the intelligence community to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered”.

(16) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to a failure of intelligence from Admiral Kimmel and Lieutenant General Short.

(17) The Officer Personnel Act of 1947, in establishing an assessment system for the Navy and the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list of the highest grade while held on the active duty list.

(18) Rear Admiral Kimmel and Major General Short were the only two eligible officers considered for advancement on the retired list to their highest wartime rank on the retired list to their highest rank in accordance with the provisions of the Officer Personnel Act of 1947.

(19) This singular exclusion from advancement on the retired list serves only to perpetuate the myth that the senior commanders in Hawaii failed to deliver in their duty and responsible for the success of the attack on Pearl Harbor, a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.

(20) Major General Walter Short died on September 23, 1949, and Rear Admiral Husband E. Kimmel died on May 14, 1968, without the honor of having been returned to their wartime ranks as were their fellow veterans of World War II.

(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Air Commaeeative Committee, and other associations and numerous retired military officers and department officials have given the same recognitions and honor of Admiral Kimmel and Lieutenant General Short through their posthumous advancement on the retired lists to their highest wartime ranks.

(b) ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT ON RETIRED LISTS.—(1) The President is requested—

(a) to advance Rear Admiral Husband E. Kimmel to the grade of admiral on the retired list of the Army; and

(b) to advance the late Major General Walter C. Short to the grade of lieutenant general on the retired list of the Army.

(2) Any advancement in grade on a retired list required under paragraph (1) shall not increase or change the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.

(c) SENSE OF CONGRESS REGARDING THE PROFESSIONAL PERFORMANCE OF ADMIRAL KIMMEL AND LIEUTENANT GENERAL SHORT.—It is the sense of Congress that—

(1) the late Rear Admiral Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attack on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and

(2) the late Major General Walter C. Short performed his duties as Commanding General, Pearl Harbor Command, competently, and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and the airfield on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.

BIDEN AND ROTH AMENDMENT NO. 3234

Mr. LEVIN (for Mr. BIDEN (for himself and Mr. ROTH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 378, between lines 19 and 20, in section 1073, insert the following:

SEC. 1077. REPORT ON SPARE PARTS AND REPAIR PARTS PROGRAM OF THE AIR FORCE FOR THE C-5 AIRCRAFT.

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

(1) There exists a significant shortfall in the Nation’s current strategic airlift requirement, even though strategic airlift remains critical to the national security strategy of the United States.

(2) This shortfall results from the slow phase-out of C-141 aircraft and their replacement with C-17 aircraft and from lower than optimal reliability rates for the C-5 aircraft.

(3) One of the primary causes of these reliability rates for C-5 aircraft, and especially for operational unit aircraft, is the shortage of spare repair parts. Over the past 5 years, this shortage has been particularly evident in the C-5 fleet.

(4) NMCs (Not Mission Capable) for supply-related reasons for C-5 aircraft have increased significantly in the period between 1997 and 1999. At Dover Air Force Base, Delaware, an average of 7 through 9 C-5 aircraft were not available due to NMCs during the period between April 1998 and April 2000.

(5) Average rates of cannibalization of C-5 aircraft per 100 sorties of such aircraft have also increased during that period and are well above the acceptable standard.

(6) In any given month, this means devoting additional manhours to cannibalizations of C-5 aircraft. At Dover Air Force Base, an average of 800 to 1,000 manhours were required for cannibalizations of C-5 aircraft during that period. Cannibalizations are often required for aircraft that transit through the Dover Air Force Base, as well as those that are based there.

(7) High cannibalization rates indicate a significant problem in delivering spare parts in a timely manner and systemic problems within the repair and maintenance process, and also demoralize overworked maintenance crews.

(b) REPORTS.—Not later than January 1, 2001, and September 30, 2001, the Secretary of the Air Force shall submit to the Congress a report on the operation of the C-5 fleet, including an assessment of potential short-term and long-term effects of such efforts; and

(1) a statement of the funds currently allocated to parts for C-5 aircraft and the adequacy of such funds to meet current and project needs and maintenance requirements for that aircraft;

(2) a description of current efforts to address shortfalls in parts for such aircraft, including an assessment of potential short-term and long-term effects of such efforts;

(3) an assessment of the effects of such shortfalls on readiness and reliability rates for C-5 aircraft;

(4) a description of cannibalization rates for C-5 aircraft and the manhours devoted to cannibalizations of such aircraft; and

(5) a description of the extent to which parts shortfalls and cannibalizations with respect to C-5 aircraft on readiness and retention.
SEC. 203. ADDITIONAL AUTHORIZATION FOR RE-
SEACH, DEVELOPMENT, TEST, AND
VALUATION ON WEATHERING AND
ICATION OF AIRCRAFT SUR-
ACES AND PARTS.

(a) INCREASE IN AUTHORIZATION.—The amount authorized
be appropriated by section 201(3) is hereby increased by
$1,500,000.

(b) AVAILABILITY OF FUNDS.—The amount available for
lication by subsection (a), for research, development, test,
and valuation on weathering and cor-
ion of aircraft surfaces and parts (PE62102F) is hereby increased by $1,500,000.

(c) OFFSET.—The amount authorized to be
be appropriated by section 201(4) is hereby de-
by $1,500,000, with the amount of
reduction allocated to Sensor and
Technology Guidance Technology (PE63762E).

CONRAD (AND OTHERS)
AMENDMENT NO. 3238
Mr. LEVIN (for Mr. CONRAD (for
he himself, Ms. LANDRIEU, and Mr. DORGAN)
proposed an amendment to the bill, S. 2549, supra, as follows:

On page 397, between lines 6 and 7, insert the following:

SEC. 1019. SENSE OF SENATE ON THE MAINTE-
NANCE OF THE STRATEGIC NU-
CLEAR TRIAD.

It is the sense of the Senate that, in light of the
arsenal of the United States to maintain a robust and bal-
anced TRIAD of strategic nuclear delivery
vehicles, including long-range bombers, land-
intercontinental ballistic missiles (ICBMs), and ballistic missile submarines;
and
reductions to United States conven-
tional bomber capability are not in the na-
tional interest of the United States.

LIEBERMAN (AND Roberts)
AMENDMENT NO. 3236
Mr. LIEVIN (for Mr. LIEBERMAN (for
he himself and Mr. Roberts)) proposed an amendment to the bill, S. 2549, supra, as follows:

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. CLARIFICATION OF PERSONNEL MAN-
AGEMENT AUTHORITY OF DIRECTOR OF A-
PERSONNEL DEMONSTRATION
Project.

Section 342(b) of the National Defense Au-
orization Act for Fiscal Year 1995 is amended—

(1) by striking the last sentence of para-
graph (4) and

(2) by adding at the end the following:
"(5) The employees of a laboratory covered
by a personnel demonstration project under
this section shall be managed by the director of the labora-
tory subject to the supervision of the Under Secretary of Defense for Acqui-
sition, Technology, and Logistics. Notwith-
standing any other provision of law, the di-
ector of the laboratory is authorized to ap-
point individuals to positions in the labora-
tory, and to fix the compensation of such in-
dividuals for service in those positions, un-
der a personnel demonstration project without
the review or approval of any official or agency
other than the Under Secretary.".

ROBERTS AMENDMENT NO. 3237
Mr. WARNER (for Mr. Roberts) pro-
posed an amendment to the bill, S. 2549, supra, as follows:

On page 34, between lines 2 and 3, insert the following:

SEC. 1061. AEROSPACE INDUSTRY BLUE RIBBON
COMMISSION.

(a) FINDINGS.—Congress makes the fol-
lowing findings:

(1) The United States aerospace industry,
composed of manufacturers of commercial,

(a) Registration and Ballotting.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(1) by inserting "(A) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(B) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—"

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and"

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election."

(b) Conforming Amendment.—The heading for title I of such Act is amended by striking out "FOR FEDERAL OFFICE".

Mr. LEVIN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 543, between lines 19 and 20, insert the following:

"2855. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY."

(a) Additional Restrictions on Joint Use.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 2005 (Public Law 109-333, 106 Stat. 1033-1037) is amended to read as follows:

"(C) Restrictions on Use.—(1) The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

"(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

"(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

"(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense."

(b) Consideration.—Subsection (d) of such section is amended to read as follows:

"(d) Consideration.—(1) As consideration for the use of the property covered by an
agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the construction, maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

"(b) The construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and"

"(c) Costs of relocation of the operations of the Navy from the vacated facilities to the replacement facilities."

"(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2607(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for maintenance, preservation, improvement, protection, repair, or restoration of property at the Center.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

"(1) by striking subsection (f); and"

"(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 656. ADDITIONAL BENEFITS AND PROTECTIONS FOR PERSONNEL INCURRING INJURY, ILLNESS, OR DISEASE IN THE PERFORMANCE OF FUNERAL DUTIES.

(a) INCAPACITATION PAY.—Section 204 of title 37, United States Code, is amended—

"(1) in subsection (g)(1)—

"(A) by striking "or" at the end of subparagraph (C); and"

"(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and"

"(C) by adding at the end the following:

"(ii) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;"

"(2) in subsection (h)(1)—

"(A) by striking "or" at the end of subparagraph (C); and"

"(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and"

"(C) by adding at the end the following:

"(ii) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;"

(b) TECHEICAL AMENDMENT.—Section 8111(a)(2) of Public Law 105±261 (122 Stat. 2143) is amended by adding at the end the following:

"(ii) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;"
(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(b) TORT CLAIMS.—Section 2671 of title 28, United States Code, is amended by inserting "115," in the second paragraph after "members of the Armed Forces engaged in training or duty under section".

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to months beginning on or after the date of the enactment of this Act.

(2) The amendment made by subsection (b) shall take effect with respect to acts and occurrences occurring before, on, or after the date of the enactment of this Act.

SMITH OF OREGON (AND OTHERS) AMENDMENT NO. 3247

Mr. WARNER (for Mr. SMITH of Oregon (for himself, Mr. WYDEN, and Mr. BRYAN) proposed an amendment to the bill, S. 2549, supra; as follows:

The amendment was not available for printing. It will appear in a future edition of the RECORD.

CLELAND (AND HUTCHISON) AMENDMENT NO. 3248

Mr. LEVIN (for Mr. CLELAND (for himself and Mrs. HUTCHISON) proposed an amendment to the bill, S. 2549, supra; as follows:

Page 155, between lines 9 and 10, insert the following:

SEC. 511. CONTINGENT EXEMPTION FROM LIMITATION ON NUMBER OF AIR FORCE OFFICERS SERVING ON ACTIVE DUTY IN GRADES ABOVE MAJOR GENERAL.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following:

"(8) While an officer of the Army, Navy, or Marine Corps is serving as Commander in Chief of the United States Transportation Command, an officer of the Air Force, while serving as Commander of the Air Mobility Command, if serving in the grade of general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).

"(9) While an officer of the Army, Navy, or Marine Corps is serving as Commander in Chief of the United States Space Command, an officer of the Air Force, while serving as Commander of the Air Force Space Command, if serving in the grade of general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1)."

BOND (AND OTHERS) AMENDMENT NO. 3249

Mr. WARNER (for Mr. BOND (for himself, Mr. BRYAN, Mr. AKAKA, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUD, Mr. Bunning, Mr. BURNS, Mr. BYRD, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. CROPO, Mr. DASCHLE, Mr. DEWINE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. Gramm, Mr. Hagel, Mr. HELMS, Mr. HUTCHINSON, Mrs. Hutchison, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mrs. LINCOLN, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Ms. MUKILSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SENSENIG, Mr. SHELDON OF OR., Mr. SMITH (for Senator Specter of New Hampshire), Ms. SNOWE, Mr. STEVENS, Mr. THRUMOND, Mr. VOINOVICh, and Mr. CONRAT) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 126, line 10, insert "22,357" and insert "22,974." On page 126, line 10, insert "22,357" and insert "24,728."

THOMPSON (AND OTHERS) AMENDMENT NO. 3250

Mr. WARNER (for Mr. THOMPSON (for himself, Mr. BINGAMAN, Mr. VOINOVICh, Mr. KENNEDY, Mr. DEWINE, Mr. REID, Mr. THRUMOND, Mr. BRYAN, Mr. FRIST, Mrs. MURRAY, Mr. MURKOWSKI, Mr. HARKIN, Mr. HOLLINGS, and Mr. STEVENS) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 613, after line 12, add the following:

TITLE XXXV—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Energy Employees Occupational Illness Compensation Act of 2000."

SEC. 3502. CONSTRUCTION OF OTHER LAWS.

References in this title to a provision of another statute shall be considered as references to such provision, as amended and as may be amended form time to time.

SEC. 3503. DEFINITIONS.

" atomic weapon" has the meaning given that term in section 11 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

"atomic weapons employee" means an individual employed by an atomic weapons employer during a time when the employer was engaged in the performance of or processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

"atomic weapons employer" means an entity that—

(A) processed or produced, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling; and

(B) is designated as an atomic weapons employer for purposes of this title by the Secretary of Energy.

"atomic weapons employer facility" means a facility, owned by an atomic weapons employer, that is or was used to produce, for use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining or milling.

"Berkeley Beryllium Corporation" means—

(A) Atomics International.

(B) Beryllium Products Corporation.

(C) Brush Beryllium Company.

(D) General Electric Company.

"chronic silicosis" means silicosis if—

(A) at least 10 years elapse between initial exposure to silica and the emergence of the silicosis.

(B) the silicosis is established by one of the following:

(i) A chest x-ray presenting any combination of rounded opacities of type piglet, with or without irregular opacities, present in at least both upper lung zones and of profusion 1/0 or greater, as found in accordance with the International Labor Organization classification system.

(ii) A physician's provisional or working diagnosis of silicosis, combined with—

(a) a chest radiograph interpreted as consistent with silicosis; or

(iii) pathologic findings consistent with silicosis.

"covered beryllium employee" means the following:

(A) A current or former employee (as that term is defined in section 201(1) of title 5, United States Code) who may have been exposed to beryllium at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor.

(B) A current or former employee of any entity that contracted with the Department of Energy to provide management and operation, management and integration, or environmental remediation of a Department of Energy facility or an employee of any contractor or subcontractor that provided services, including construction, maintenance, at such a facility.

(C) A current or former employee of a beryllium vendor, or a contractor or subcontractor of a beryllium vendor, during a period when the vendor was engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy.

"covered beryllium illness" means any condition as follows:

(A) Beryllium sensitivity as established by—

(i) an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells; or

(ii) other means specified under section 3504(b).

(B) Chronic beryllium disease as established by the following:

(i) For diagnoses on or after January 1, 1993, the term "chronic beryllium disease," as established in accordance with subparagraph (A), and

(ii) lung pathology consistent with chronic beryllium disease, including—

(A) a lung biopsy showing granulomas or a lymphocytic process consistent with chronic beryllium disease;
(bb) a computerized axial tomography scan showing changes consistent with chronic beryllium disease; or
(c) pulmonary function or exercise testing showing pulmonary deficits consistent with chronic beryllium disease.
(ii) For diagnoses before January 1, 1993, the presence of four of the criteria set forth in subclause (VI), including the criteria set forth in clause (i) and any three of the criteria set forth in clauses (ii) through (VI):
(1) Occupational or environmental history, or epidemiologic evidence of beryllium exposure.
(2) Characteristic chest radiographic (or computed tomographic) abnormalities.
(3) Restrictive or obstructive lung physiology testing or diffusing lung capacity defect.
(4) Lung pathology consistent with chronic beryllium disease.
(V) Clinical course consistent with a chronic respiratory disorder.
(VI) Immunoassays testing showing beryllium sensitivity (skin patch test or beryllium blood test preferred).
(3) Other means specified under section 3511(c)(1).
(C) Any injury, illness, impairment, or disability sustained as a consequence of a covered beryllium illness referred to in subparagraph (B) or (C).
(10) COVERED EMPLOYEE.—The term "covered employee" means a covered employee, a covered employee with cancer, or a covered employee with chronic silicosis.
(11) COVERED EMPLOYEE WITH CANCER.—The term "covered employee with cancer" means the following:
(A) An individual who meets the criteria in section 3511(c)(1).
(12) COVERED EMPLOYEE WITH CHRONIC SILICOSIS.—The term "covered employee with chronic silicosis" means a—
(A) Department of Energy employee; or
(B) Department of Energy contractor employee; or
covered employee with chronic silicosis who was exposed to silica in the performance of duty as determined in section 3511(c)(1).
(13) DEPARTMENT OF ENERGY.—The term "Department of Energy" includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District.
(14) DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE.—The term ‘Department of Energy contractor employee’ means the following:
(A) An individual who is or was in residence at a Department of Energy facility as a researcher for a period of at least 24 cumulative months.
(B) An individual who is or was employed, at a Department of Energy facility by—
(i) any agency that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility;
or
(ii) a contractor or subcontractor that provided services, including construction and maintenance, at the facility.
(15) DEPARTMENT OF ENERGY FACILITY.—The term ‘Department of Energy facility’ means any building, structure, or premise, including the grounds upon which such building, structure, or premise is located—
(A) in which operations are, or have been conducted by, or on behalf of, the Department of Energy (except for buildings, structures, grounds, or operations covered by Executive Order 12344, pertaining to the Naval Nuclear Propulsion Program); and
(B) with regard to which the Department of Energy has or had—
(i) a proprietary interest; or
(ii) entered into a contract with an entity to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services.
(16) FUND.—The term ‘Fund’ means the Energy Employee's Occupational Illness Compensation Fund under section 3542 of this title.
(17) MONTHLY PAY.—The term ‘monthly pay’ means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the time the compensable disability recurs, if the recurrence begins more than 6 months after the employee resumes regular full-time employment, whichever is greater, except when otherwise determined under section 8113 of title 5, United States Code.
(18) RADIATION.—The term 'radiation' means ionizing radiation in the form of—
(A) alpha particles;
(B) beta particles;
(C) neutrons;
(D) gamma rays; or
(E) accelerated ions or subatomic particles from accelerator machines.
(19) SECRETARY OF HEALTH AND HUMAN SERVICES.—The term ‘Secretary of Health and Human Services’ means the Secretary of Health and Human Services with the assistance of the Director of the National Institute for Occupational Safety and Health.
(20) SPECIAL EXPOSURE COHORT.—The term ‘Special Exposure Cohort’ means the following groups of Department of Energy employees, Department of Energy contractor employees, and atomic weapons employees:
(A) Individuals who—
(i) were employed during the period prior to February 1, 1992—
(I) at the gaseous diffusion plants located in—
(aa) Paducah, Kentucky;
(bb) Portsmouth, Ohio; or
(cc) Oak Ridge, Tennessee; and
(II) by—
(aa) the Department of Energy;
(bb) a Department of Energy contractor or subcontractor; or
(cc) an atomic weapons employer; and
(ii) during employment covered by clause (i)—
(1) were monitored through the use of dosimetry badges for exposure at the plant of the external parts of the employee's body to radiation; or
(2) worked in a job that had exposures comparable to a job that is or was monitored through the use of dosimetry badges.
(B) Individuals who were employed by the Department of Energy or a Department of Energy contractor or subcontractor on Amchitka Island, Alaska, prior to January 1, 1974, and who were exposed to ionizing radiation in the performance of duty related to the Long Shot, Milewor, or Cannikin underground nuclear tests.
(C) Individuals designated as part of the Special Exposure Cohort by the Secretary of Health and Human Services, in accordance with section 3513.
(21) SPECIFIED CANCER.—The term ‘specified cancer’ means the following:
(A) Leukemia (other than chronic lymphocytic leukemia).
(B) Multiple myeloma.
(C) Non-Hodgkin's Lymphoma.
(D) Cancer of—
(i) bladder;
(ii) bone;
(iii) brain;
(iv) breast (male or female);
(v) cervix;
(vi) digestive system (including esophagus, stomach, small intestine, bile ducts, colon, rectum, or other digestive organs);
(vii) gallbladder;
(viii) kidney;
(ix) larynx, pharynx, or other respiratory organs;
(x) liver;
(xi) lung;
(xii) male genitalia;
(xiii) nasal organs;
(xiv) nervous system;
(xv) ovary;
(xvi) pancreas;
(xvii) prostate;
(xviii) salivary gland (parotid or non-parotid);
(xix) thyroid;
(xx) uterus;
(xxi) urinary tract or other urinary organs; or
(xxii) uterine cancer.
(S) SURVIVOR.—The term ‘survivor’ means any individual or individuals eligible to receive compensation pursuant to section 8133 of title 5, United States Code.
(22) TIME OF INJURY.—The term ‘time of injury’ means—
(A) in regard to a claim arising out of exposure to beryllium, the last date on which a covered employee was exposed to beryllium in the performance of duty in accordance with section 3511(a);
(B) in regard to a claim arising out of chronic silicosis, the last date on which a covered employee was exposed to silica in the performance of duty in accordance with section 3511(b); and
(C) in regard to a claim arising out of exposure to radiation, the last date on which a covered employee was exposed to radiation in the performance of duty in accordance with section 3511(c)(1) or, in the case of a member of the Special Exposure Cohort, the last date on which the member of the Special Exposure Cohort was employed at the Department of Energy facility at which the member was exposed to radiation.
(23) TERMS USED IN ADMINISTRATION.—
(A) “physician”;
(B) “medical, surgical, and hospital services and supplies;”
(C) “injury;”
(D) “widow;”
(E) “parent;”
(F) “brother;”
(G) “sister;”
(H) “child;”
(I) “grandchild;”
(J) “widower;”
(K) “student;”
(L) “price index;”
(M) “organ;” and
(N) “United States medical officers and hospitals.”
(24) EMPLOYEE.—In applying any provision of chapter 81 of title 5, United States Code (except section 8101), under this title, the term ‘employee’ in such provision shall mean a covered employee.
(25) EMPLOYEES’ COMPENSATION FUND.—In applying any provision of chapter 81 of title 5, United States Code, under this title, the term “Employees’ Compensation Fund” in such provision shall mean the Fund.
producer has been engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy in a manner similar to the production or processing of beryllium by a covered atomic weapons employer facility for an atomic weapons employer.

(a) BERYLLIUM. Ñ In the absence of substantial evidence to the contrary, a covered beryllium employee shall be determined to have been exposed to beryllium in the performance of duty for the purposes of this title if, and only if, the covered beryllium employee was:

(i) employed at a Department of Energy facility;

(ii) present at a Department of Energy facility, or a facility owned and operated by a beryllium vendor, because of employment by the United States, a beryllium vendor, or a contractor or subcontractor of the Department of Energy at such facility during a period when beryllium dust, particles, or vapor may have been present at such facility.

(b) CHRONIC SILICOSIS. Ñ In the absence of substantial evidence to the contrary, a covered employee with chronic silicosis shall be determined to have been exposed to silica in the performance of duty for the purposes of this title if, and only if, the covered employee with chronic silicosis was present during the mining of tunnels at a Department of Energy facility for tests or experiments related to an atomic weapon.

(c) CANCER. Ñ 

(i) IN GENERAL. Ñ A Department of Energy employee, Department of Energy contractor employee, or an atomic weapons employee shall be determined to have sustained a cancer in the performance of duty if, and only if, such individual contracted a specified cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor or an atomic weapons employer facility for an atomic weapons employer.

(ii) DETERMINATION. Ñ (I) IN GENERAL. Ñ The Secretary of Health and Human Services, after consultation with the Secretary of Energy, shall—

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

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

(iii) SCIENTIFIC REVIEW. Ñ (A) The Secretary of Health and Human Services shall establish an independent review process utilizing the Advisory Board under section 3522 to assess the methods established under paragraph (1)(A) and verify a reasonable sample of individual dose reconstructions provided under paragraph (1)(B).

(iv) ACCESS TO DOSE RECONSTRUCTIONS. Ñ The Secretary of Health and Human Services and the Secretary of Energy each shall, consistent with the protection of private medical records, make available to researchers and the general public information on the assumptions, methodology, and data used in dose reconstructions undertaken under this subtitle.

SEC. 3512. ADVISORY BOARD ON RADIATION AND WORKER HEALTH.

(a) ESTABLISHMENT. Ñ (I) IN GENERAL. Ñ Not later than 120 days after the date of enactment of this title, the Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall establish and appoint an Advisory Board on Radiation and Worker Health.

(II) BALANCE OF APPOINTMENTS. Ñ In making appointments to the Board, the Secretary of Health and Human Services shall also consult with labor unions and other organizations with relevant experience to ensure that the membership of the Board reflects a balance of scientific, medical, and worker perspectives.

(b) DUTIES. Ñ The Board shall advise the Secretary of Health and Human Services, Secretary of Energy, and Secretary of Labor on—

(I) the development of guidelines to be used by the Secretary of Health and Human Services under section 3511;

(II) the scientific validity and quality of dose estimation and reconstruction efforts being performed to implement compensation programs under this subtitle; and

(III) the development of radiation and worker health in Department of Energy facilities as the Secretary of Labor, the Secretary of Energy, or the Secretary of Health and Human Services may request.

(c) STAFF. Ñ (I) IN GENERAL. Ñ The Secretary of Health and Human Services shall appoint a staff to provide advice and assistance to the Board. The members of the staff shall be appointed, on a full-time or part-time basis, by the Secretary of Health and Human Services. The Board shall have such other staff as are necessary to carry out its functions under this section.

(d) EXPENSES. Ñ The Advisory Board shall be reimbursable for travel expenses of its members and staff as authorized by law.

SEC. 3513. Radiation Compensation.
(C) from cancer of a covered employee with cancer determined to have sustained that cancer in the performance of duty in accordance with section 8111(c) of title 5, United States Code, or from any injury sustained as a consequence of that cancer;

(2) shall furnish the services and other benefits specified in section 8103 of title 5, United States Code, to the survivors of the covered employee or to such other person as the Secretary of Labor shall determine as entitled to such services and other benefits in accordance with section 8112 of title 5, United States Code, so that they are furnished to the same extent and in the same manner as specified in section 8121 of title 5, United States Code.

(A) a covered beryllium employee with a covered beryllium illness who was exposed to beryllium in the performance of duty as determined in accordance with section 8111(a) of this title;

(B) a covered employee with chronic silicosis, or other occupational disease, who was exposed to silica in the performance of duty as determined in accordance with section 8111(b) of this title.

(2) § 3517. SUBMITTAL OF CLAIMS.

(a) CLAIMS REQUIRED.—A claim for compensation under this subtitle shall be filed under section 8128 of title 5, United States Code.

(b) AVAILABLE AUTHORITIES.—The provisions of section 8128 of title 5, United States Code, shall apply.

(c) RIGHTS OF CLAIMANT.—The claimant may utilize the authorities available to the Secretary of Labor under section 8128(a), 8128(b), 8128(c), and 8129 of title 5, United States Code.

(d) DISAGREEMENT.—If there is a disagreement under section 8123(a) of title 5, United States Code, between the physician making the examination for the United States, and the claims examiner under section 8103 of title 5, United States Code, the claimant may obtain a review of the examination by the Secretary of Labor as provided by law.

(e) Assistance for Potential Claimants.—The Secretary of Labor, in consultation with the Secretary of Energy, shall take appropriate actions to inform and assist covered employees who are potential claimants under this section, and other potential claimants under this subtitle, of the availability of compensation under this subtitle, including actions to:

(1) ensure the ready availability, in paper and electronic format, of forms necessary for making claims;

(2) assist covered employees and other potential claimants with information and other support necessary for making claims, including—

(A) medical protocols for medical testing and diagnosis to establish the existence of a covered beryllium illness, chronic silicosis, or cancer; and

(B) lists of vendors approved for providing laboratory services related to such medical testing and diagnosis;

(3) provide such additional assistance to such covered employees and other potential claimants as may be required for the development of facts pertinent to a claim.

(f) INFORMATION VENDORS AND OTHER CONTRACTORS.—As part of the assistance program provided under subsections (d) and (e), and as permitted by law, the Secretary of Energy shall, upon the request of a covered beryllium employee, a covered silicosis employee, or any Department of Energy contractor, subcontractor to provide information relevant to a claim or potential claim under this subtitle to the Secretary of Labor.

SEC. 3516. ALTERNATIVE COMPENSATION.

(a) IN GENERAL.—Subject to the provisions of this section, a covered employee eligible for retirement is entitled to a one-time payment from the Fund of the average annual earnings specified in section 8103 of title 5, United States Code.

(b) DEATH BEFORE ELECTION.—If a covered employee eligible for retirement dies before making an election under subsection (a), the election and the payment thereunder shall be made on behalf of the survivor and any other survivors of the covered employee.

(c) CANCELLATION OF ELECTION.—If a covered employee eligible for retirement cancels the election and the payment thereunder, the election and the payment thereunder shall be made on behalf of the surviving employee.

(d) IRREVOCABILITY OF ELECTION.—An election made by a covered employee or survivor under this section is binding on all survivors of the covered employee.

SEC. 3518. SUBMITTAL OF CLAIMS.

(a) CLAIMS REQUIRED.—A claim for compensation under this subtitle shall be submitted to the Secretary of Labor in the manner specified in section 8121 of title 5, United States Code.

(b) DELAY IN COMMENCEMENT.—A claim for compensation under this subtitle shall be filed under this section not later than the later of—

(1) seven years after the date of enactment of this title; or

(2) seven years after the date the claimant first knows or has reason to know that the injury as a consequence of that cancer;

(c) NEW PERIOD FOR ADDITIONAL ILLNESSES AND CONDITIONS.—A new period of limitation under subsection (b)(2) shall commence with each new diagnosis of a cancer (including a specified cancer), chronic silicosis, or covered beryllium illness that is different from a previously diagnosed cancer (including a specified cancer), chronic silicosis, or covered beryllium illness.

(d) TIMELY FILING.—The timely filing of a disability claim for a cancer (including a specified cancer), chronic silicosis, or covered beryllium illness shall not affect the availability of compensation for the same cancer (including a specified cancer), chronic silicosis, or covered beryllium illness.
within 180 days of the date of the request. Upon successful resolution of any action brought under this paragraph, the court shall award the claimant reasonable attorney fees if the Director is found to be in the matter.

(d) DEADLINES.—Beginning on the date that is sixty days after the date of enactment of this title, the Secretary of Labor shall allow or deny a claim under this section not later than the later of—

(1) 180 days after the date of submittal of the claim to the Secretary under section 3516; or

(2) 60 days after the date of receipt of information or documents produced under subsection (c)(2).

(e) RESOLUTION OF REASONABLE DOUBT.—Except as provided in paragraph (2), in determining whether a claimant meets the requirements of this subtitle, the Secretary of Labor shall find in favor of the claimant in circumstances where the evidence supports the claim of the claimant and the evidence controverting the claim of the claimant is in equipoise.

(f) SERVICE OF DECISION.—The Secretary of Labor shall have served upon a claimant the Secretary's decision denying the claim under this section following the finding of fact under subsection (a)(1).

(g) HEARINGS AND FURTHER REVIEW.—

(1) REGULATIONS.—The Secretary of Labor may prescribe regulations necessary for the administration and enforcement of this title, including regulations for the conduct of hearings and reconsideration.

(2) APPEALS PANELS.—

(A) IN GENERAL.—Regulations issued by the Secretary of Labor under this title shall provide for the establishment of Energy Employees Compensation Appeals Panels of three individuals with authority to hear and, subject to applicable law and the regulations of the Secretary of Labor, to determine whether the claims are established under this title.

(B) THE PANELS.—Under an agreement between the Secretary of Labor and another federal agency (except the Department of Energy), the Director, by rule, may establish panels consisting of individuals with experience and competency in adjudicating claims arising under this title and the provisions of the Federal Mine Safety and Health Act of 1977, as amended.

(C) SUBMITTAL OF APPLICATIONS TO PANELS.—If an individual seeking review of a denial of an award under this section shall submit an appeal in accordance with the regulations under this subsection.

(D) DECISIONS.—

(1) The applicant may seek review of the denial of an award under this section by submitting an application to the Secretary for an initial determination of the claim.

(2) The application shall be made in the form specified by the Secretary and shall include the information specified in paragraph (1).

(e) INFORMATION.—At the request of the Director, the Secretary of Labor shall provide such information as the Director may require in order to assist in the preparation of any reports required under this title.

(f) SERVICE OF DECISION.—The decision of the Secretary shall be in writing and shall be served upon the claimant by the Secretary of Labor.
any insurance carrier for insurance payments made.

(2) The payment or provision of compensation or benefits under this title shall not be treated as a claim against any claim against an insurance carrier with respect to insurance.

(c) PROHIBITION ON ASSIGNMENT OR ATTACHMENT OF CLAIMS.—The provisions of section 8103(b) of title 5, United States Code, shall not apply to claims under this title.

(d) RETENTION OF CIVIL SERVICE RIGHTS.—If a Federal employee found to be disabled under paragraphs (1) and (2) of section 8103(b) of title 5, United States Code, shall apply to claims under this title.

SEC. 5352. EXCLUSION OF BENEFITS BY CONVICTED FELONS.

(a) FORFEIT, COMPENSATION.—Any individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers’ compensation law, shall forfeit (as of the date of such conviction) any entitlement to any benefit under this title such individual would otherwise be entitled for any injury, illness or death covered by this title for which the time of injury was on or before the date of the conviction. This forfeiture shall be in addition to any action the Federal Government, the employee shall be entitled to the rights set forth in section 8101 of title 5, United States Code.

(b) STATE WORKERS’ COMPENSATION.

(1) In general.—An individual who is entitled to receive compensation under this title by reason of a violation of section 1920 of title 18, or any other Federal or State law, an agency of the Federal Government, the employee shall be entitled to the rights set forth in section 8101 of title 5, United States Code.

(c) INFORMATION.—Notwithstanding any other provision of law, except as provided under paragraph (2), compensation under this title shall not be paid or provided to an individual during any period during which such individual is confined in a jail, prison, or other institution or correctional facility, pursuant to that individual’s conviction of an offense that constituted a felony under applicable law. After this period of incarceration, the individual shall receive compensation forfeited during the period of incarceration.

(d) WAIVER.

(1) In general.—If an individual has one or more dependents as defined under section 8101(a) of title 5, United States Code, the Secretary of Labor, the employee shall be entitled to the rights set forth in section 8101 of title 5, United States Code.

(e) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the Federal Government, the employee shall not receive compensation for any other claim under this title.

(f) ELECTORAL.—The individual shall make the election within the time allowed by the Secretary of Labor. The election shall be irrevocable and binding on all survivors of that individual.

(g) WAIVER.—An individual who has been awarded compensation under this title and who has also received benefits from another Federal or State workers’ compensation system because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, shall receive compensation as specified under this title reduced by the amount of any workers’ compensation benefits that the individual has received under the State workers’ compensation system as a result of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death attributable to the period subsequent to the effective date of this title.

(h) LIMITATION ON RIGHT TO RECEIVE BENEFITS.

(a) CLAIMANT.—A claimant who receives compensation for any claim under this title, except for compensation provided under the authority of section 8101(b) of title 5, United States Code, shall not receive compensation for any other claim under this title.

(b) SURVIVOR.—If a survivor receives compensation for a claim under this title derived from a covered employee, except for compensation provided under the authority of section 8101(b) of title 5, United States Code, the survivor shall not receive compensation for any other claim under this title derived from the same covered employee.

(c) COORDINATION OF BENEFITS.—FEDERAL WORKERS’ COMPENSATION.

(a) In general.—An individual who is entitled to receive compensation under this title because of a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death shall be entitled to receive compensation as specified in this title for the employee’s compensation system, as determined by the Secretary of Labor, of obtaining benefits under the State workers’ compensation system.

(b) Waiver.—An individual described in paragraph (a) who has also received, under the other Federal workers’ compensation system because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, shall receive compensation as specified under this title reduced by the amount of any workers’ compensation benefits that the individual has received under the other Federal workers’ compensation system as a result of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death.

SEC. 5354. APPLICATION FOR OR RECEIPT OF BENEFITS UNDER THE STATE WORKERS’ COMPENSATION SYSTEM.

(a) In general.—If an individual has been awarded compensation under this title and who has also received benefits from another Federal or State workers’ compensation system because of the same cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, shall receive compensation as specified under this title reduced by the amount of any workers’ compensation benefits that the individual has received under the other Federal workers’ compensation system as a result of the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death.

SEC. 5355. DUAL COMPENSATION.—DUAL COMPENSATION—OTHER EMPLOYEES.

An individual entitled to receive compensation under this title because of a cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death covered by this title of a covered employee, also is entitled to receive compensation from the United States under a provision of a statute other than this title payments or benefits for that injury, illness or death (except proceeds of an insurance policy), because of service by such employee (or in the case of death, by the deceased as an employee or in the armed forces, shall elect which benefits to receive. The individual shall make the election within the time allowed by the Secretary of Labor. The election when made is irrevocable, except as otherwise provided by statute.
SEC. 3540. ELECTION OF REMEDY AGAINST BERYLLIUM VENDORS AND ATOMIC WEAPONS EMPLOYERS.

(a) BERYLLIUM VENDORS.—If an individual elects to accept payment under this title with respect to a covered beryllium illness or death of a covered employee, that acceptance of payment shall be in full settlement of all tort claims related to such covered beryllium illness or death—

(1) against—

(A) an atomic weapons employer; and

(B) an employee, agent, or assign of an atomic weapons employer; or

(2) to—

(A) that individual;

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

(C) any other person, including any third party as to whom the covered employee has a cause of action relating to the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death, otherwise entitled to recover damages from the atomic weapons employer, or the employee, agent, or assign of the atomic weapons employer, that arise out of the covered beryllium illness or death in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

(b) APPLICABILITY.—This section applies to all cases filed on or after July 31, 2000.

(c) WORKERS’ COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers’ compensation statute subject to sections 3534 through 3538.

SEC. 3541. SUBROGATION OF THE UNITED STATES.

(a) IN GENERAL.—If a cancer (including a specified cancer), chronic silicosis, disability, or death for which compensation is payable under this title is caused by circumstances creating a legal liability in an atomic weapons employer to the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, shall apply, except to the extent specified in this title.

(b) APPEARANCE OF EMPLOYEE.—For the purposes of this title, the provisions of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in such title in an active duty status while so engaged shall only apply to a Federal employee.

SEC. 3542. ENERGY EMPLOYEES’ OCCUPATIONAL ILLNESS COMPENSATION FUND.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury a fund to be known as the Energy Employees’ Occupational Illness Compensation Fund. The Secretary of the Treasury shall transfer to the Fund the amounts necessary to carry out the provisions of this title.

(b) USE OF THE FUND.—Amounts in the Fund shall be used for the payment of compensation under this title, and other benefits and expenses authorized by this title or any extension or application thereof, and for payment of all expenses of the administration of this title.

(c) COST DETERMINATIONS.—(1) Within 45 days of the end of every quarter of every fiscal year, the Secretary of Labor shall determine the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expenses period and an estimate of the expenditures needed during the immediately succeeding two quarters for the payment of compensation benefits, and administrative expenses under this title.

(2) In making the determination under paragraph (1), the Secretary shall include, without amendment, the following:

(A) the costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expenses period and an estimate of the expenditures needed during the immediately succeeding two quarters for the payment of compensation benefits, and administrative expenses under this title.

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

(d) ASSURING AVAILABLE BALANCE IN THE FUND.—Upon application of the Secretary of Labor, the Secretary of the Treasury shall advance such sums from the Treasury as are necessary, for the fiscal year ending September 30, and any such sums shall be payable out of the Fund during any fiscal year following the fiscal year for which such sums were advanced to the Secretary of Labor. The amount anticipated to be needed within the two fiscal years following the fiscal year for which such sums were advanced shall be added to the amount anticipated to be needed within the immediately succeeding two quarters for the payment of compensation benefits, and administrative expenses under this title.

SEC. 3543. EFFECTIVE DATE.

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

SEC. 3544. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 1921 of title 20 of the United States Code is amended by inserting in the title "or Energy employees'" after "Federal employees'" and by inserting "or the Energy Employees' Occupational Illness Compensation Act of 2000" after "title 5".

(b) Section 1921 of title 20 of the United States Code is amended by inserting in the title "or Energy employees" after "Federal employees" and by inserting "Occupational Illness Compensation Act of 2000" after "title 5".
(c) Section 210(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended by—
(1) in subparagraph (E), striking "or," and inserting "and-
(2) in subparagraph (F), striking the period and inserting "or," and
(3) in subparagraph (F) inserting a new subparagraph as follows:
(G) filed an application for benefits or as-
mination of the Energy Employees Occu-
(c) Title II of the Department of Energy Organiza-
ion Act (P.L. 95–91) is amended by adding at the end of the title the following:
OFFICE OF WORKERS' COMPENSATION ADVOCATE
SEC. 217. (a) There shall be within the De-
(b) The Director shall be responsible for providing information, research reports, and studies to support the implementation of the Energy Employees’ Occupational Illness Compensation Act of 2000. Not later than 20 days after the date of enactment of this section, the Director shall enter into memo-
randa of agreement to provide for coordina-
tion of the office of the Department of En-
era, and the Department of Health and Human Services.
(c) The Director shall coordinate efforts within the Department to collect and make available to present and former employees of the Department and its successor agencies, present and former employees of contractors and subcontractors to the Department and its predecessor agencies, and other individuals who are or were present at facilities operated by the Department or its predecessor agencies information on occupa-
tional conditions and exposures to health hazards. Such information shall include information on substances and their chemical forms to which employees may have been ex-
posed, records and studies relevant to deter-
mining occupational hazards, raw dosimetry and industrial hygiene data, results from medical screening programs, accident and other relevant occurrence reports, and re-
ports, summaries, or reviews by factors, consultants, or other entities relevant to assess-
ment of occupational hazards of illness.
(d) If the Director determines that—
(1) an entity within the Department or an entity that is the recipient of a Depart-
mental contract, grant, or cooperative agree-
ment possesses information necessary to carry out the provisions of the Energy Em-
ployees’ Occupational Illness Compensation Act of 2000, and
(2) the production and sharing of that in-
formation under the provisions of the Energy Em-
ployees’ Occupational Illness Compensation Act of 2000 is being unreasonably
delayed, the Director shall have the authority, not-
withstanding section 3213 of the National Nuclear Security Administration Act, to di-
rect such entity to produce expeditiously such information in accordance with the pro-
visions of this section and the Energy Em-
(e) The Director shall take actions to in-
form and assist potential claimants under the Energy Employees’ Occupational Illness Compensation Act of 2000, pursuant to section 3213(e) of such Act.

LEVIN AMENDMENT NO. 3251
Mr. LEVIN proposed an amendment to the bill, S. 2549, supra; as follows:

Beginning on page 144, strike line 22 and all that follows through page 145, line 4, and insert the following:
may be, only if the court finds that rec-
ommendation contrary to law or involved a material error of fact or a ma-
terial administrative error.
On page 145, strike lines 8 through 12, and insert the following:
only if the court finds the decision to be ar-
bitrary or capricious, not based on substan-
tial evidence, or otherwise contrary to law.
On page 146, line 24, strike "of Defense" and insert "concerned".

MURRAY (AND SNOWE) AMENDMENT NO. 3522
(ORDERED TO LIE ON THE TABLE.)
Mrs. MURRAY (for herself and Ms. SNOWE) submitted an amendment in-
tended to be proposed by them to the bill, S. 2549, supra; as follows:
On page 270, between lines 16 and 17, insert the following:

SEC. 743. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF FUNDS.
This subtitle may be cited as the "Russian Nuclear Cities Initiative Act of 2000."
with other United States nonproliferation programs.

(b) ENHANCED USE OF MINATOM TECHNOLOGY AND RESEARCH AND DEVELOPMENT SERVICES. In carrying out actions under this section, the Secretary shall establish the enhanced use of the technology, and the research and development services, of the Russian Ministry of Atomic Energy (MINATOM) by—

(1) fostering the commercialization of peaceful, non-threatening advanced technology; (2) encouraging the development through the development of projects to commercialize research and development services for industry and industrial entities; and

(2) by establishing the Nuclear Cities Initiative from military activities to civilian activities carried out at such nuclear cities from military activities to civilian activities.

(a) nonproliferation (including the detection and identification of weapons of mass destruction and verification of treaty compliance);

(b) global energy and environmental matters;

(c) basic scientific research of benefit to the United States;

(d) ACCELERATION OF NUCLEAR CITIES INITIATIVE.—(1) In carrying out actions under this section, the Secretary shall accelerate the development of the Nuclear Cities Initiative by implementing, as soon as practicable after the date of the enactment of this Act, programs at the nuclear cities referred to in paragraph (2) in order to convert significant portions of the activities carried out at such nuclear cities; and

(2) the nuclear cities referred to in this paragraph are the following:

(A) Sarov (Arzamas-16).
(B) Snezhinsk (Chelyabinsk-70).
(C) Zheleznogorsk (Krasnoyarsk-26).

(3) To advance nonproliferation and arms control objectives, the Nuclear Cities Initiative is encouraged to begin planning for accelerated conversion, commensurate with available resources, in the remaining nuclear cities.

(4) Before implementing a program under paragraph (1), the Secretary shall establish appropriate, measurable milestones for the activities to be carried out in fiscal year 2001.

(b) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into negotiations with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian Nuclear Complex in order to meet the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to achieve a nuclear weapons production capacity in Russia that is consistent with the obligations of Russia under current and future arms control agreements.
(B) Mechanisms to increase transparency regarding the restructuring of the nuclear weapons complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Energy Department officials with expertise in transparency of such matters.
(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.
(e) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary shall carry out a program to encourage students in the United States and in the Russian Federation to pursue a career in an area relating to nonproliferation.

(2) Of the amounts under subsection (f), such amounts as may be appropriated for purpose of the program under paragraph (1) shall be available for purposes of the program.

(c) FUNDING FOR FISCAL YEAR 2001.—There is hereby authorized $10,000,000 for the purpose of the Nuclear Cities Initiative, including activities under this section.

(d) SENSE OF CONGRESS REGARDING FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—It is the sense of Congress that the availability of funds for the Nuclear Cities Initiative in fiscal years after fiscal year 2001 should be contingent upon—

(1) demonstrable progress in the programs carried out under subsection (c), as determined utilizing the milestones required under paragraph (4) of that subsection; and

(2) the development and implementation of the plan required by subsection (d).

SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT OF A NATIONAL COORDINATOR FOR NONPROLIFERATION MATTERS.

It is the sense of Congress that—

(1) there should be a National Coordinator for Nonproliferation Matters to coordinate—

(A) the Nuclear Cities Initiative; and
(B) the Initiatives for Proliferation Prevention program;
(c) the Cooperative Threat Reduction programs;
(d) the materials protection, control, and accounting programs; and
(e) the International Science and Technology Center;

(2) the position of National Coordinator for Nonproliferation Matters should be similar, regarding nonproliferation matters, to the position filled by designation of the President under section 1441(a) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2273; 50 U.S.C. 2351(a)).

SEC. 3185. DEFINITIONS.

In this subtitle—

(1) nuclear city.—The term ‘‘nuclear city’’ means any of the closed nuclear cities within the complex of the Russian Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov.
(B) Zarechnyy (Penza-19).
(C) Novoural’sk (Sverdlovsk-44).
(D) Ozersk (Chelyabinsk-65).
(E) Snezhinsk (Chelyabinsk-70).
(F) Tchegorny (Zlatoust-36).
(G) Seversk (Tomsk-7).
(H) Zarechnyy (Penza-19).
(I) Zheleznogorsk (Krasnoyarsk-26).
(J) Zelenogorsk (Krasnoyarsk-45).

(2) Russian nuclear complex.—The term ‘‘Russian Nuclear Complex’’ refers to all of the nuclear cities.

DOMENICI AMENDMENTS NOs. 3254-3258

Ordered to lie on the table.

Mr. DOMENICI submitted five amendments intended to be proposed by him to the bill, S. 2549, supra; as follows:

AMENDMENT NO. 3254

On page 48, between lines 20 and 21, insert the following:

SEC. 222. INFORMATION WARFARE AND VULNERABILITY ANALYSIS.

(a) Availability of Funds.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Army, the amount available for Survivability/Lethality Analysis (PE 605604A) is hereby increased by $2,000,000.

(2) Of the amounts available under this Act for Survivability/Lethality Analysis, as increased by paragraph (1), $16,000,000 shall be available for Information Warfare and Vulnerability Analysis in order to ensure the survivability of the digitized systems and networks and the structures of the Army against asymmetric threats.

(b) Offset.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Army, the amount available for EW Development (PE 606270A) is hereby reduced by $16,000,000.

AMENDMENT NO. 3255

On page 48, between lines 20 and 21, insert the following:

SEC. 222. LASERSPARK COUNTERMEASURES PROGRAM.

(a) Availability of Funds.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for Advanced Technology (PE 603805F) is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for Advanced Technology, as increased by paragraph (1), $5,000,000 shall be available for the LaserSpark countermeasures program.

(b) Offset.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for the Joint Strike Fighter (PE 603805F) is hereby reduced by $5,000,000.

AMENDMENT NO. 3256

On page 48, between lines 20 and 21, insert the following:

SEC. 222. GEOSYNCHRONOUS LASER IMAGING TESTBED PROGRAM.

(a) Availability of Funds.—(1) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Space Force, the amount available for the GLINT program for very high altitude and deep space object identification and capabilities analysis is hereby increased by $5,000,000.

(b) Offset.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Space Force, the amount available for the Geosynchronous Laser Imaging Testbed (GLINT) program for very high altitude and deep space object identification and capabilities analysis is hereby reduced by $5,000,000.

AMENDMENT NO. 3257

On page 48, between lines 20 and 21, insert the following:

SEC. 222. RADIO FREQUENCY WEAPONS ANALYSIS.

(a) Availability of Funds.—(1) Of the amount authorized to be appropriated by
section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for Intelligence Equipment (PE 604750S) is hereby increased by $5,300,000.

(2) Of the amounts available under this Act for Intelligence Equipment, as increased by paragraph (1), $5,300,000 shall be available for analysis of the capabilities and characteristics of directed energy systems to evaluate the susceptibilities of United States systems to such weapons.

(3) The amount made available under paragraph (1) is in addition to any other amounts made available under this Act for that purpose.

(b) In providing--(i) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, the amount available for the Joint Strike Fighter (PE 602300F) is hereby reduced by $5,300,000.

AMENDMENT No. 3258

On page 48, between lines 20 and 21, insert the following:

SEC. 222. SILICON-BASED NANOSTRUCTURES PROGRAM.

(a) Availability of Funds.--(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Logistics Research and Development Technology Demonstration (PE 6037125) is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for Logistics Research and Development Technology Demonstration, as increased by paragraph (1), $5,000,000 shall be available for a Silicon-Based Nanostructures Program to facilitate the economic and efficient upgrade of mission critical systems through computer chip replacement.

(3) The amount made available under paragraph (2) is in addition to any other amounts made available under this Act for that purpose.

(b) Off Set.--Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Extensible Information Systems (PE 602302E) is hereby reduced by $5,000,000.

DOMENICI (AND OTHERS)

AMENDMENT NO. 3259

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. Hutchison, and Mr. Bingaman) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

On page 393, between lines 15 and 16, insert the following:

SEC. 914. COORDINATION AND FACILITATION OF DEFENSE OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

(a) Findings.--Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstrations of directed energy systems and the funding for the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy technologies.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with critical skills to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure, the Joint Technology Office, with senior-level oversight provided by a technology council and a board of directors.

(b) Offset.--(1) Of the amount authorized to be appropriated by paragraph (2) for the purpose specified in that paragraph, $5,000,000 shall be available for a Silicon-Based Nanostructures Program to facilitate the economic and efficient upgrade of mission critical systems through computer chip replacement.

(2) The head of each military department shall assign to appropriate personnel of the Department of Defense a Joint Technology Office.

(3) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

(c) Staff.--(1) The head of the Office shall be a civilian employee of the Department of Defense Executive Service who is designated by the Secretary of Defense for that purpose.

(2) The Board shall be composed of 8 members as follows:

(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Board.

(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

(C) The senior acquisition executive of the Department of the Army.

(D) The senior acquisition executive of the Department of the Navy.

(E) The senior acquisition executive of the Department of the Air Force.

(F) The Director of the Defense Advanced Research Projects Agency.

(G) The Director of the Ballistic Missile Defense Organization.

(H) The Director of the Defense Threat Reduction Agency.

(2) The Board shall be composed of 7 members as follows:

(A) A representative of the National Academy of Sciences, who shall be chairperson of the Board.

(B) The senior science and technology executive of the Department of the Army.

(C) The senior science and technology executive of the Department of the Navy.

(D) The senior science and technology executive of the Department of the Air Force.


(3) The duties of the Board shall be--

(A) review and evaluate the adequacy of the reports required by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Extensible Information Systems (PE 602302E) is hereby reduced by $5,000,000.

(c) Duties.--The duties of the Office shall be to--

(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons developed from research and development.

(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons developed from research and development.

(3) develop and promote a program (to be known as the 'National Directed Energy Education and Training Council') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons developed from research and development with other Federal agencies, institutions of higher education, and the private sector.

(4) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

(6) Coordination Within Department of Defense.--(1) The Director of the Office shall assign to appropriate personnel of the Other Federal Agencies, the Joint Technology Office.''

(6) Joint Technology Board of Directors.--(1) There is established in the Department of Defense a board to be known as the 'Joint Technology Board of Directors' (in this section referred to as the 'Board').

(2) The Board shall be composed of 8 members as follows:

(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

(C) The senior acquisition executive of the Department of the Army.

(D) The senior acquisition executive of the Department of the Navy.

(E) The senior acquisition executive of the Department of the Air Force.

(F) The Director of the Defense Advanced Research Projects Agency.

(G) The Director of the Ballistic Missile Defense Organization.

(H) The Director of the Defense Threat Reduction Agency.

(3) The duties of the Board shall be--

(A) review and comment on recommendations made and issues raised by the Council under this section; and

(B) review and oversee the activities of the Office under this section.

(4) Joint Technology Council.--(1) There is established in the Department of Defense a Council to be known as the 'Joint Technology Council' (in this section referred to as the 'Council').

(2) The Council shall be composed of 7 members as follows:

(A) A representative of the National Academy of Sciences, who shall be chairperson of the Council.

(B) The senior science and technology executive of the Department of the Army.

(C) The senior science and technology executive of the Department of the Navy.

(D) The senior science and technology executive of the Department of the Air Force.


(F) The senior science and technology executive of the Ballistic Missile Defense Organization.

(G) The senior science and technology executive of the Defense Threat Reduction Agency.

(2) The duties of the Council shall be--

(A) identify and prioritize initiatives for research and development in the field of directed energy technologies, systems, and weapons; and

(B) prepare annual reports for the Board regarding funding for such programs, projects, and activities proposed and evaluated by the Office under this section.

(3) The table of sections at the beginning of chapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

'S 204. Joint Technology Office

'(a) Establishment.--(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office').

(2) The Office shall be part of the National Directed Energy Center at Kirtland Air Force Base, New Mexico.

(3) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

(b) Staff.--(1) The head of the Office shall be a civilian employee of the Department of Defense Executive Service who is designated by the Secretary of Defense for that purpose.

(2) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

(c) Duties.--The duties of the Office shall be to--

(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons developed from research and development.

(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons developed from research and development.

(3) develop and promote a program (to be known as the 'Joint Technology Council') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons developed from research and development with other Federal agencies, institutions of higher education, and the private sector; and
amended by adding at the end the following new section:

"204. Joint Technology Office.".

(3) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at the National Directed Energy Center at Kirtland Air Force Base, New Mexico, not later than January 1, 2001.

(c) WORKING GROUPS UNDER HIGH ENERGY LASER MASTER PLAN.—

(1) The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(2) In carrying out activities under this subsection, the Secretary of Defense shall require that the military department concerned to provide within such department technology area working groups as follows:

(A) Within the Department of the Army—

(i) a technology area working group on solid state lasers; and

(ii) a technology area working group on advanced technology.

(B) Within the Department of the Navy, a technology area working group on free electron laser.

(C) Within the Department of the Air Force—

(i) a technology area working group on chemical lasers;

(ii) a technology area working group on beam control;

(iii) a technology area working group on lethality/vulnerability; and

(iv) a technology area working group on high power microwaves.

(3) The military department concerned shall establish general direction concerning the technology to be addressed by each technology area working group, with such direction to take into account the recommendations of all participants in such technology area working group.

(d) ENHANCEMENT OF INDUSTRIAL BASE.—

(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(3) Of the amounts authorized to be appropriated by subsection (h), $20,000,000 shall be available for the development of directed energy technologies and systems at Los Alamos National Laboratory, New Mexico.

(4) Cooperative Programs and Activities.—

(a) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons. The Secretary shall carry out the evaluation in consultation with the Joint Technology Board of Directors established by section 204 of title 10, United States Code (as added by subsection (b) of this section).

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(3) Of the amounts authorized to be appropriated by subsection (h), $50,000,000 shall be available for cooperative programs and activities entered into under paragraph (2).

(c) PARTICIPATION OF JOINT TECHNOLOGY COUNCIL IN ACTIVITIES.—The Secretary of Defense shall to the extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code.

(d) FUNDING FOR FISCAL YEAR 2001.—

(1)(A) There is hereby authorized to be appropriated by this Act, $204,000,000 for science and technology activities relating to directed energy technologies, systems, and weapons.

(B) Of the amounts appropriated for fiscal year 2001 by subparagraph (A) are in addition to any other amounts authorized to be appropriated for such fiscal year for the activities referred to in that subparagraph.

(2) The Director of the Joint Technology Office shall establish and operate distance learning offices in each of the States of New Mexico, Nevada, and Alaska, to be known as the Center for Directed Energy Education and Training (CDEET). The CDEET Office shall—

(A) As part of the National Directed Energy Education Program, identify, fund, and carry out projects in the field of directed energy that enhance education in the field of directed energy; and

(B) Support directed energy education initiatives of institutions of higher education and the private sector.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the National Guard is hereby increased by $15,000,000.

(2) Of the amounts authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.

DORGAN AMENDMENT NO. 3261

At the appropriate place, add the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) In General.—The Secretary of the Army, through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) Project Elements.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABLE OF ACCESS AND SERVICES.—In carrying out the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Persons and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than September 30, 2000, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the modernization or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the National Guard is hereby increased by $15,000,000.

(2) Of the amounts authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

MURRAY AMENDMENT NO. 3260

At the appropriate place, add the following:

SEC. 313. DEMONSTRATION PROJECT FOR INTERNET ACCESS AND SERVICES IN RURAL COMMUNITIES.

(a) In General.—The Secretary of the Army, through the Chief of the National Guard Bureau, shall carry out a demonstration project to provide Internet access and services to rural communities that are unserved or underserved by the Internet.

(b) Project Elements.—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate distance learning classrooms in communities described in subsection (a), including any support systems required for such classrooms; and

(2) subject to subsection (c), provide Internet access and services in such classrooms through GuardNet, the telecommunications infrastructure of the National Guard.

(c) AVAILABLE OF ACCESS AND SERVICES.—In carrying out the demonstration project, Internet access and services shall be available to the following:

(1) Personnel and elements of governmental emergency management and response entities located in communities served by the demonstration project.

(2) Members and units of the Army National Guard located in such communities.

(3) Businesses located in such communities.

(4) Persons and elements of local governments in such communities.

(5) Other appropriate individuals and entities located in such communities.

(d) REPORT.—Not later than September 30, 2000, the Secretary shall submit to Congress a report on the demonstration project. The report shall describe the activities under the demonstration project and include any recommendations for the modernization or expansion of the demonstration project that the Secretary considers appropriate.

(e) FUNDING.—(1) The amount authorized to be appropriated by section 301(10) for operation and maintenance of the National Guard is hereby increased by $15,000,000.

(2) Of the amounts authorized to be appropriated by section 301(10), as increased by paragraph (1), $15,000,000 shall be available for the demonstration project required by this section.

(3) It is the sense of Congress that requests of the President for funds for the National Guard for fiscal years after fiscal year 2001 should provide for sufficient funds for the continuation of the demonstration project required by this section.
(1) The Air Force should program the proper resources and take the necessary action to urgently replace aircraft of Air National Guard fighter units that are flying F-16A's.

AMENDMENT No. 3326

At the appropriate place, add the following:


(a) REPORT.—No later than May 1, 2001, the Secretary of the Air Force shall submit to the congressional defense committees a report on the potential role of an electronic warfare (EW) version of the B-52 bomber in meeting anticipated future shortfalls in airborne electronic warfare assets.

(b) CONTENT.—The report shall include the following:

(1) the anticipated near- and long-term requirement for and availability of airborne electronic warfare assets;

(2) the advantages and disadvantages of using B-52 airframe's size, payload, and endurance for standoff jamming;

(3) the impact on the weapons carrying capability of the B-52;

(4) the emission control implications of using certain B-52s as EW platforms;

(5) the impact on the ability of the B-52 fleet to meet operational power projection needs;

(6) the estimated schedule for deploying interim and long-term EW versions of the B-52, and the potential additive cost thereof, as assuming prior completion of EW and situational awareness upgrades already scheduled for the B-52 fleet.

AMENDMENT No. 3363

At the appropriate place in the bill, insert the following new title:

TITLE — FOOD AND MEDICINE FOR THE WORLD ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Food and Medicine for the World Act".

SEC. 02. DEFINITIONS.

In this title:

(A) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Act of 1949 (7 U.S.C. 1431) and the Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) AGRICULTURAL PROGRAM.—The term "agricultural program" means—

(1) any program administered under the Export Credit Guarantee Program (GSM-102) or the Intermediate Export Credit Guarantee Program (GSM-103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(2) any commercial export sale of agricultural commodities;

(3) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities;

(4) joint resolution.—The term "joint resolution" means—

(A) in the case of section 06(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President pursuant to section 06(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 06(a)(1) of the Food and Medicine for the World Act, transmitted on ___, with the blank completed with the appropriate date; and

(B) in the case of section 06(b), a joint resolution introduced within 10 session days of Congress after the date on which the report of the President pursuant to section 06(b) of the Food and Medicine for the World Act, transmitted on ___, with the blank completed with the appropriate date.

(C) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "medical device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(D) MEDICINE.—The term "medicine" has the meaning given the term "medicine" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(E) UNILATERAL AGRICULTURAL SANCTION.—The term "unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States is imposing the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(F) UNILATERAL MEDICAL SANCTION.—The term "unilateral medical sanction" means any prohibition, restriction, or condition on the export of medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States is imposing the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

SEC. 03. RESTRICTION.

(a) NEW SANCTIONS.—Except as provided in sections 04 and 05 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be sanctioned, restricted, or conditioned; and

(B) states the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the imposition of the sanction.

(b) EXISTING SANCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall not evict, restrict, or condition the exportation of agricultural commodities, medicine, or medical devices to the government of any country or entity that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism.

(2) DURATION.—Notwithstanding section 06(a) or any other provision of law, the prohibition, restriction, or condition imposed under section 06(a) shall remain in effect for such period as the Secretary of State determines under section 06(a) of the Food, Drug, and Cosmetic Act of 1976 (22 U.S.C. 2253).

(3) UNILATERAL MEDICAL SANCTION.—Any unilateral medical sanction that is imposed pursuant to the procedures described in section 06(a) shall not remain in effect for more than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 04. EXCEPTIONS.

Section 03 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 03—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity; and

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(2) against which the Armed Forces of the United States are involved in hostilities or where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(3) with respect to any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(4) used to facilitate the development or production of a chemical, biological, or radiological weapon or of a weapon of mass destruction.

SEC. 05. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Notwithstanding section 03 and except as provided in section 07, the prohibition in section 06(a) shall remain in effect for such period as the Secretary of State determines under such section 06(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credit or credit guarantee, and shall remain in effect for such period as the Secretary of State determines under section 06(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on prohibiting, restricting, or conditioning the export of agricultural commodities, medicine, or medical devices to that country.

SEC. 06. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 06(a) shall remain in effect for more than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 07. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the export of agricultural commodities, medicine, or medical devices to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 602A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credit or credit guarantee, and shall remain in effect for such period as the Secretary of State determines under such section 602A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on prohibiting, restricting, or conditioning the export of agricultural commodities, medicine, or medical devices to the government of such country.

(b) EFFECT.—No provision in this title shall apply—

(1) pursuant to any one-year licenses issued by the United States Government for contracts entered into during the one-year period and entered into with the foreign country or entity, or otherwise extending the one-year period, on or after the date of the signing of the contract, except that, in the case of the export...
mittee or committees of the Senate.

resentatives and to the appropriate com-
mittee or committees of the House of Rep-
resentatives shall be referred to the appropriate com-
mittee on the operation of the licensing system under this section for the preceding two-year period, including—

(i) the number and types of licenses ap-
plied for;

(ii) the number and types of licenses ap-
proved;

(iii) the average amount of time elapsed from the date filing of a license applica-
tion until the date of its approval;

(iv) the extent to which the licensing proce-
dures were effectively implemented; and

(v) any comments received from interested parties about the extent to which the licensing procedures were effect-
ive, after the applicable department or agency holds a public 30-day comment pe-
tiod for the preceding two-year period.

SEC. 08. CONGRESSIONAL PRIORITY PROCE-
DURES.

(a) REFERRAL OF REPORT.—A report de-
scribed in section 03(a)(1) or 06(1) shall be referred to the appropriate com-
mittee or committees of the House of Rep-
resentatives and to the appropriate com-
mittee or committees of the Senate.

(b) REFERRAL OF JOINT RESOLUTION.—

(1) In General.—A joint resolution intro-
duced in the Senate shall be referred to the Commit-
tee on Finance, and a joint resolution introduced in the House of Rep-
resentatives shall be referred to the Commit-
tee on International Relations.

(2) REPORTING DATE.—A joint resolution re-
ferred to in paragraph (1) may not be re-
ported before the eight session day of Con-
gress after the introduction of the joint reso-
olution.

(c) DISCHARGE OF COMMITTEE.—If the com-
mitee to which is referred a joint resolution has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after the date of in-
troduction of the joint resolution—

(i) the committee shall be discharged from fur-
ther consideration of the joint resolution; and

(ii) the joint resolution shall be placed on the appropriate calendar of the House con-
cerned.

(d) FLOOR CONSIDERATION.—

(1) MOTION TO PROCEED.—

(A) In General.—When the committee to which a joint resolution is referred has re-
ported, or when a committee is discharged under subsection (c) from further consider-
ation of, a joint resolution—

(i) the motion shall be in order at any time thereafter in order (even though a previous motion to the same effect has been dis-
charged for) by any member of the House concerned to move to proceed to the consid-
eration of the joint reso-

(f) PROCEDURES AFTER ACTION BY BOTH THE

HOUSE AND SENATE.—If a House receives a joint resolution from the other House after the receiving House has dis-
charged its consideration of the joint resolution originated in that House, the ac-
tion of the receiving House with regard to the disposition of the joint resolution origi-
nated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(g) RULEMAKING POWER.—This section is en-
acted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such this section—

(A) is deemed to be a part of the rules of each House, respectively, but only with respect to the procedure to be followed in that House in the case of a joint reso-

(iii) the joint resolution shall remain the unfinished business of the House concerned until disposed of.

(ii) vote on final passage .—Immediately

(f) RULINGS OF THE CHAIR ON PROCEDURE .—

An appeal from a decision of the Chair relat-
ing to the application of the rules of the Sen-
ate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(e) COORDINATION WITH ACTION BY OTHER

HOUSE.—If, before the passage by 1 House of a joint resolution, that House receives from the other House a joint resolu-
tion, the following procedures shall apply:

(i) no referral .—The joint resolu-
tion of the other House shall not be re-
ferred to a committee.

(ii) floor procedure .—With respect to a
joint resolution of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received, except that—

(b) vote on final passage shall be on the joint resolution of the other House.

(f) PROCEDURES AFTER ACTION BY BOTH THE

HOUSE AND SENATE.—If a House receives a joint resolution from the other House after the receiving House has dis-
charged its consideration of the joint reso-

(i) shall be highly privileged in the House of Representatives and privileged in the Sen-
ate; and

(ii) not debatable.

(c) AMENDMENTS AND MOTIONS NOT IN OR-
DER.—The motion to proceed to the con-
sideration of the joint resolution shall not be subject to—

(i) amendment;

(ii) a motion to postpone; or

(iii) a motion to proceed to the consider-
ation of other business.

(D) MOTION TO DISMISS NOT IN ORDER.—

A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(E) BUSINESS UNTIL DISPOSITION.—If a mo-
tion to proceed to the consideration of the joint resolution is agreed to, the joint reso-

(iii) no rule of the Chamber shall be in

order.

(ii) a motion to postpone; or

(iii) a motion to proceed to the consider-
ation of other business.

D) AMENDMENTS AND MOTIONS NOT IN OR-
DER.—An amendment to, a motion to post-
pone, a motion to proceed to the consider-
ation of other business, a motion to recom-
mit the joint resolution, or a motion to re-
consider the vote by which the joint resolu-
tion is agreed to or disagreed to shall not be in order.

(3) VOTE ON FINAL PASSAGE.—Immediately

following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the House con-
cerned, the vote on final passage of the joint resolution shall occur.

(4) RULINGS OF THE CHAIR ON PROCEDURE .—

An appeal from a decision of the Chair relat-
ing to the application of the rules of the Sen-
ate or House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(c) AMENDMENTS AND MOTIONS NOT IN OR-
DER.—An amendment to, a motion to post-
pone, a motion to proceed to the consider-
ation of other business, a motion to recom-
mit the joint resolution, or a motion to re-
consider the vote by which the joint resolu-
tion is agreed to or disagreed to shall not be in order.

(ii) a motion to postpone; or

(iii) a motion to proceed to the consider-
ation of other business.

(2) LIMITATIONS ON DEBATE .—

(A) In General.—Debate on the joint reso-
lution, and on all debatable motions and ap-
peals in connection with the joint resolution, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolu-
tion.

(B) FURTHER DEBATE LIMITATIONS.—A mo-
tion to limit debate shall be in order and

(ii) a motion to postpone; or

(iii) a motion to proceed to the consider-
ation of other business.

D) AMENDMENTS AND MOTIONS NOT IN OR-
DER.—A motion to limit debate shall be in order and shall not be debatable.

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(iii) a motion to proceed to the consider-
ation of other business.

D) AMENDMENTS AND MOTIONS NOT IN OR-
DER.—A motion to limit debate shall be in order and shall not be debatable.

(ii) a motion to postpone; or

(iii) a motion to proceed to the consider-
ation of other business.
Mr. BROWNBACK (for himself and McCaIN submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the end of the bill, add the following:

**DIVISION D—AMATEUR SPORTS INTEGRITY**

SEC. 4101. SHORT TITLE.

This division may be cited as the “Amateur Sports Integrity Act”.

**TITLE XI—PERFORMANCE-ENHANCING DRUGS**

SEC. 4102. RESEARCH AND DETECTION PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish and administer a program under this title to support research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(b) GRANTS.—

(1) IN GENERAL.—The program shall include grants of financial assistance, awarded on a competitive basis, to support the advancement of research into the use of performance-enhancing substances by athletes, and methods of detecting their use.

(2) BANNED SUBSTANCES.—In carrying out the program, the Director shall consider research proposals involving performance-enhancing substances banned from use by competitors in events sanctioned by organizations, such as the International Olympic Committee, the United States Olympic Committee, the National Collegiate Athletic Association, the National Football League, the National Basketball Association, and Major League Baseball.

(3) RESEARCH CONCENTRATION.—In carrying out the program, the Director shall:

(A) fund research on the detection of naturally-occurring steroids and other testosterone precursors (e.g., androstendione), such as testosterone, and other substances, such as human growth hormone and erythropoietin for which no tests are available but for which there is evidence of abuse or abuse potential;

(B) fund research that focuses on population studies to ensure that tests are accurate for men, women, all relevant age, and major ethnic groups and

(C) not fund research on drugs of abuse, such as cocaine, phencyclidine, marijuana, morphine/codeine, and methamphetamine/amphetamine.

(c) TECHNICAL AND SCIENTIFIC PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish appropriate technical and scientific peer review procedures for evaluating applications for grants under the program.

(2) IMPLEMENTATION.—The Director shall—

(A) require each grant application to meet a set of minimum criteria before receiving consideration for an award under the program;

(B) give preference to laboratories with an established record of athletic drug testing analysis; and

(C) establish a minimum grant award of not less than $500,000.

(2) IN GENERAL.—The list of minimum criteria shall include requirements that each applicant—

(A) demonstrate a record of publication and research in the area of athletic drug testing;

(B) provide a plan detailing the direct transference of the research findings to lab applications of athletic drug testing; and

(C) certify that it is a not-for-profit research program.

(4) RESULTS.—The Director also shall establish appropriate technical and scientific peer review procedures for evaluating the results of research funded, in part or in whole by grants provided under the program. Each review conducted under this paragraph shall include a written report of findings and, if appropriate, recommendations prepared by the reviewer, and provide a copy of the report to the Director within 30 days after the conclusion of the review.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to the Director of the National Institute of Standards and Technology $4,000,000 per fiscal year for the years 2001, 2002, 2003, 2004, and 2005.

**SEC. 4101. RESEARCH AND DETECTION PROGRAM ESTABLISHED.**

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology shall establish and administer a program to—

(1) develop a grant program to fund educational substance abuse prevention and intervention programs related to the use of performance-enhancing substances described in section 2102(b)(2) high school and college student athletes. The Director shall establish a set of minimum criteria for applicants to request funding for an award under the program. The list of minimum criteria shall include requirements that each applicant—

(1) propose an intervention and prevention program based on methodologically sound evaluation with evidence of drug prevention efficacy; and

(2) demonstrate a record of publication and research in the area of athletic drug use prevention.

(b) MINIMUM GRANT AWARD.—The Director shall establish a minimum grant award of not less than $300,000 per recipient.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are appropriated to the Director of the National Institute of Standards and Technology $3,000,000 per fiscal year for the years 2001, 2002, 2003, 2004, and 2005.

**TITLE XII—GAMBLING**

SEC. 4201. PROHIBITION ON GAMBLING ON COMPETITIVE GAMES INVOLVING HIGH SCHOOL AND COLLEGE ATHLETES AND THE OLYMPICS.

(a) IN GENERAL.—The Ted Stevens Olympic and Amateur Sports Act (chapter 2205 of title 36, United States Code) is amended by adding at the end the following new subchapter:

"SUBCHAPTER III—MISCELLANEOUS"

"220541. Unlawful sports gambling; Olympics; high school and college athletes."

(1) PROHIBITION.—It shall be unlawful for—

(A) a governmental entity to sponsor, operate, advertise, promote, license, or authorize by law or contract, a person to sponsor, operate, advertise, promote, pursuant to law or compact of a governmental entity, a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly, on a competitive game or performance described in subsection (b).

(b) COVERED GAMES AND PERFORMANCES.—A competitive game or performance described in this subsection is the following:

(1) One or more competitive games at the Summer or Winter Olympics;

(2) One or more competitive games in which high school or college athletes participate;

(3) One or more performances of high school or college athletes in a competitive game.

(c) APPLICABILITY.—The prohibition in subsection (a) applies to activity described in that subsection without regard to whether the activity would otherwise be permitted under subsection (a) or (b) of section 3704 of title 18.

(4) INJUNCTIONS.—A civil action to enjoin a violation of subsection (a) may be commenced in an appropriate district court of the United States by the Attorney General of the United States, a local educational agency, college, or sports organization, including an amateur sports organization or the corporation, whose competitive game is alleged to be the basis of such violation.

(5) DEFINITIONS.—In this section:

(A) The term 'high school' has the meaning given the term 'secondary school' in section 1401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(B) The term 'college' has the meaning given the term 'institution of higher education' in section 101 of the Higher Education Act of 1965 (20 U.S.C. 8801).

(C) The term 'local educational agency' has the meaning given the term in section 1401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

**GRAMS AMENDMENT NO. 3266**

(Ordained to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, S. 2549, supra; as follows:

On page 130, strike lines 3 through 11 and insert the following:

SEC. 423. EXCLUSION OF CERTAIN ARMY AND AIR FORCE OFFICERS FROM LIMITATION ON STRENGTH OF RESERVE COMMISSIONED OFFICERS IN GRADES BELOW BRIGADIER GENERAL.

Section 12005(a) of title 10, United States Code, is amended by adding at the end the following:

"(3) Medical officers, dental officers, judge advocate officers, nurse officers, and chaplains shall not be counted for purposes of this subsection.".

**WARNER (AND DODD) AMENDMENT NO. 3267**

Mr. WARNER (for himself, Mr. DODD, and Mr. LEVIN) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 424. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) SHORT TITLE.—This section may be cited as the “National Bipartisan Commission on Cuba Act of 2006.”

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the “Commission”).

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of
whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, and the Cuban-American community.

(D) DESIGNATION OF CHAIR.—The President shall designate one of the members of the Commission to serve as Chair of the Commission.

(E) MEETINGS.—The Commission shall meet at the call of the Chair.

(F) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(G) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) DUTIES AND POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(i) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(ii) the relations of the United States with allies of the United States;

(iii) the political strength of Fidel Castro;

(iv) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(v) the health and welfare of the Cuban people;

(vi) the Cuban economy; and

(vii) the United States economy, business, and jobs.

(B) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental agencies substantially affected by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of non-governmental organizations operating in those countries.

(C) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence. The Commission shall be authorized to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFICATION OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) SECURITIES ACT.—The Commission shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, advisers, and other services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with the Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).
SEC. 3502. REQUIREMENTS RELATING TO TRANS- ACTIONS AND ACCOUNTS WITH OR ON BEHALF OF FOREIGN ENTITIES.

(a) IN GENERAL. Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following new section:

"§ 5331. Requirements relating to transactions and accounts with or on behalf of foreign entities"

"(a) PROHIBITION ON OPENING OR MAINTAINING CORRESPONDENT ACCOUNTS OR CORRESPONDENT BANK RELATIONSHIPS WITH CERTAIN FOREIGN BANKS.—A depository institution may not open or maintain a correspondent account in the United States for, or on behalf of, a foreign banking institution, unless the institution is an affiliate of—

"(1) a person that is subject to comprehensive supervision or regulation by the appropriate authorities in the foreign jurisdiction under whose laws it is organized, as determined by the Secretary of the Treasury;

"(b) EXCEPTION.—Subsection (a) does not apply to a foreign banking institution if the institution is an affiliate of—

"(1) a depository institution;

"(2) a foreign bank (as defined in section 3(b)(7) of the International Banking Act of 1978) that is subject to comprehensive supervision or regulation by the appropriate authorities in the foreign jurisdiction under whose laws it is organized, as determined by the Secretary of the Treasury.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) CORRESPONDENT ACCOUNT.—The term 'correspondent account' means an account established to receive deposits from and make payments on behalf of a correspondent bank.

"(2) CORRESPONDENT BANK.—The term 'correspondent bank' means a depository institution that accepts deposits from another financial institution and provides services on behalf of such other financial institution.

"(3) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 10(b)(1)(A) of the Federal Reserve Act.

"(4) FOREIGN BANKING INSTITUTION.—The term 'foreign banking institution' means a foreign entity that is in the business of banking, and includes foreign commercial banks, foreign merchant banks, and other foreign institutions that engage in banking activities that are usual in connection with the business of banking in the countries in which they are organized or operating.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following new item:

"§ 5331. Requirements relating to transactions and accounts with or on behalf of foreign entities."

WARNER AMENDMENT NO. 3271
Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 2549, supra, as follows:

At the appropriate place, insert the following:

SEC. 10. SENSE OF THE SENATE REGARDING DISCIPLINE OF TAX-EXEMPT ORGANIZATIONS.

(a) FINDINGS.—The Senate finds that—

1. Disclosure of political campaign activities is among the most important political reforms;

2. Disclosure of political campaign activities enables citizens to make informed decisions about the political process; and

3. Certain tax-exempt organizations, including organizations organized under section 527 of the Internal Revenue Code of 1986, are not presently required to make meaningful public disclosures.

MCCAIN AMENDMENT NO. 3272
(Ordered to lie on the table.)
Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 2549, supra, as follows:

On page 239, following line 22, add the following:

"§ 5107 Assistance to claimants; benefit of the doubt; burden of proof

"(a) The Secretary shall assist a claimant in developing all facts pertinent to a claim for benefits under this title. Such assistance shall include requesting information..."
(B) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to any participant or other person acting on behalf of such an individual or entity who would exceed the coverage limitations for such care.

(3) PREVIOUSLY PROVIDED SERVICES.—In the case of a utilization review activity involving retrospective review of health care services previously provided for an individual, the utilization review program shall make a determination concerning such services, and provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the case, and in no event later than the deadline specified in subparagraph (B).

(B) DEADLINE.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the deadline specified in this subparagraph is 14 days after the date of receipt of the request for prior authorization.

(ii) SPECIFICATION OF ANY ADDITIONAL INFORMATION REQUIRED.—If a utilization review program—

(A) except, as provided in paragraph (2), in the case of a utilization review activity involving the prior authorization of health care items and services for an individual under section 1128B of this title, the utilization review program shall make a determination concerning such authorization, and provide notice of the determination to the individual or the individual’s health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the case, and in no event later than the deadline specified in subparagraph (B).

(B) DEADLINE.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the deadline specified in this subparagraph is 14 days after the date of receipt of the request for prior authorization.

(ii) SPECIFICATION OF ANY ADDITIONAL INFORMATION REQUIRED.—If a utilization review program request for a prior authorization is received, the utilization review program shall provide notice of the determination to the individual or the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the case, and in no event later than the deadline specified in subparagraph (B).

(3) ACCESSIBILITY OF REVIEW.—Such a program shall not, with respect to utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary, fail to provide notice of the determination to the individual or the individual's designee and the individual's health care provider by telephone and in printed form, as soon as possible in accordance with the medical exigencies of the case, and in no event later than the deadline specified in subparagraph (B).

(B) DEADLINE.—

(i) IN GENERAL.—Subject to clause (ii), the deadline specified in this subparagraph is 14 days after the date of receipt of information that is reasonably necessary to make such determination, but in no case later than 60 days after the date of receipt of such information.

(ii) EXTENSION PERMITTED WHERE NOTICE OF FURTHER APPEAL IS REQUIRED.—Such an extension shall be for a period not to exceed 90 days, as determined by the secretary, upon receipt of such a request in the case of a utilization review activity involving the prior authorization of health care items and services for an individual, and shall be accompanied by a written statement of the reason for the extension.

(4) FAILURE TO MEET DEADLINE.—In a case in which a group health plan or health insurance coverage issuer fails to make a determination on a request for benefit under subparagraph (1), (2), or (3) by the applicable deadline established under the respective paragraph, the failure shall be treated as a denial of the claim as of the date of the deadline.

(5) REFERECE TO SPECIAL RULES FOR EMERGENCY SERVICES, MAINTENANCE CARE, AND POST-STABILIZATION CARE.—The prior authorization requirements in certain cases involving emergency services and maintenance care and post-stabilization care, see subsections (a)(1) and (b) of section 4133, respectively.

(e) NOTICE OF DENIALS OF CLAIMS FOR BENEFITS.—

(1) IN GENERAL.—Notice of a denial of claims for benefits under a utilization review program shall be provided in printed form and written in a manner calculated to be understood by the participant, beneficiary, or enrollee and shall include—

(A) the reasons for the denial (including the clinical rationale);

(B) instructions on how to initiate an appeal under section 4102; and

(C) notice of the availability, upon request of the individual or the individual's designee, of the clinical review criteria relied upon to make such denial.

(2) SPECIFICATION OF ANY ADDITIONAL INFORMATION.—Such a notice shall also specify any additional information or documentation that is required to be provided to the person making the denial in order to make a decision on such an appeal.

(f) CLAIM FOR BENEFITS AND DENIAL OF CLAIM FOR BENEFITS DEFINED.—For purposes of this subtitle:

(1) CLAIM FOR BENEFITS.—The term "claim for benefits" means any request for coverage, including authorization of coverage, for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage.

(2) DENIAL OF CLAIM FOR BENEFITS.—The term "denial" means, with respect to a claim for benefits, a denial, or a failure to pay benefits, in whole or in part, the claim for benefits and includes a failure to provide benefits (including items and services) required to be provided under this title.
such an individual with the individual's con-

(III) notifies the requester, not later than five business days after the date of receiving the request, of the need for such specified addi-
tional information, the determination described in this subparagraph is 14 days after the date the plan or issuer re-

(A) IN GENERAL.—For purposes of this sec-
tion, the term "externally appealable deci-
dion'' means a denial of claim for benefits (as defined in section 4301(2)(B))—

(i) that is based in whole or in part on a de-
cision that the item or service is not medi-
cally necessary or appropriate or is inves-
tigational or experimental; or

(ii) that is in effect at the time the request for an external appeal is con-
ducted by a qualified external appeal entity that is designated by the State or that is se-
lected by the State in a manner determined by the State to assure an unbiased deter-
mination.

(B) INCLUSION.—Such term also includes a failure to meet an applicable deadline for in-

(a) APPEALS.ÐThe plan or issuer shall refund

(iii) Practice and treatment guidelines

(i) that are generally accepted principles of professional

(ii) that are recognized standards of validity and

(iii) that are generally recognized standards of validity and

(A) LIMITATION ON PLAN OR ISSUER SELEC-

(ii) for auditing a sample of decisions by

(III) the opinion of the individual's treat-

(i) specific exclusions or express limita-
tions on the amount, duration, or scope of

(ii) for auditing a sample of decisions by

(B) LIMITATION ON PLAN OR ISSUER SELEC-

(i) that is based in whole or in part on a de-
cision that the item or service is not medi-
cally necessary or appropriate; or

(C) C ONSIDERATION OF PLAN OR COVERAGE

(iii) Practice and treatment guidelines

(i) for auditing a sample of decisions by

(D) STATE AUTHORITY WITH RESPECT QUALI-

(i) that is based in whole or in part on a de-
cision that the item or service is not medi-
cally necessary or appropriate, or experi-
mental, investigational, or related terms.

(iii) Practice and treatment guidelines

(i) that is based in whole or in part on a de-
cision that the item or service is not medi-
cally necessary or appropriate, or experi-
mental, investigational, or related terms.
(VII) To the extent that the entity determines it to be free of any conflict of interest, the requirements of paragraphs (I) and (II) as determined in accordance with subsection (b)(2)(G).

(E) DETERMINATION CONCERNING EXTERNALLY APPEALABLE DECISIONS.—

(A) qualified external appeal entity

(i) whether a denial of claim for benefits is an externally appealable decision (within the meaning of subsection (a)(2));

(ii) whether an externally appealable decision involves an expedited appeal; and

(iii) for purposes of initiating an external review, whether an internal review process has been completed.

(F) OPPORTUNITY TO SUBMIT EVIDENCE.—

Each party to an externally appealable decision may submit evidence related to the issues in dispute.

(G) PROVISION OF INFORMATION.—

The plan or issuer involved shall provide timely access to the external appeal entity for information and to provisions of the plan or health insurance coverage relating to the matter of the externally appealable decision, as determined by the Secretary.

(H) TIMELY DECISIONS.—

(A) The entity meets the independence requirements of paragraph (A)(ii)(II)

(2) CEASE AND DESIST ORDER AND ORDER OF

(i) a group health plan, the entity must be certified (and, in accordance with subparagraph (B), periodically recertified) as meeting the requirements of paragraph (I) and (ii) by the Secretary of Labor; or

(ii) under a process recognized or approved by the Secretary of Labor; or

(iii) to the extent provided in subparagraph (C)(ii), by a qualified private standard-setting organization (certified under such subparagraph); or

(ii) a health insurance issuer operating in a State and, in accordance with subparagraph (B), periodically recertified as meeting such requirements—

(i) by the applicable State authority or under a process recognized or approved by such authority; or

(ii) if the State has not established a certification and recertification process for such entities, by the Secretary of Health and Human Services, under a process recognized or approved by such Secretary, or to the extent provided in subparagraph (C)(ii), by a qualified private standard-setting organization (certified under such subparagraph).

(B) RECERTIFICATION PROCESS.—

The appropriate Secretary shall develop standards for certifying and recertifying external appeal entities. Such standards shall include a review of—

(i) the number of cases reviewed;

(ii) a summary of the disposition of those cases;

(iii) the length of time in making determinations on those cases;

(iv) updated information of what was required to be submitted as a certification for the entity's performance of external appeal activities;

(v) such information as may be necessary to assure the independence of the entity from the plans or issuers for which external appeal activities are being conducted.

(C) CERTIFICATION OF QUALIFIED PRIVATE STANDARD-SETTING ORGANIZATIONS.—

(I) FOR EXTERNAL REVIEWS UNDER GROUP HEALTH PLANS.—

For purposes of subparagraph (A)(i)(III), the Secretary of Labor may provide for a process for certification (and periodic recertification) of qualified private standard-setting organizations which provide for certification of external review entities. Such an organization shall only be certified if the organization does not certify an external review entity unless it meets standards required for certification of such an entity by such Secretary under subparagraph (A)(i)(III).

(ii) FOR EXTERNAL REVIEWS OF HEALTH INSURANCE ISSUERS.—

For purposes of subparagraphs (A)(i)(III), the Secretary of Health and Human Services may provide for a process for certification (and periodic recertification) of qualified private standard-setting organizations which provide for certification for external review entities. Such an organization shall only be certified if the organization does not certify an external review entity unless it meets standards required for certification of such an entity by such Secretary under subparagraph (A)(i)(III).

(D) PENALTIES AGAINST AUTHORIZED OFFICIALS FOR REFUSING TO AUTHORIZE THE DETERMINATION OF AN EXTERNAL REVIEW ENTITY.—

(1) MONETARY PENALTIES.—

In any case in which the determination of an external review entity is not followed by a group health plan or a health insurance issuer offering health insurance coverage, any person who, acting in the capacity of authorizing the benefit, causes such refusal may, in the discretion in a court of competent jurisdiction, be liable to an aggrieved participant, beneficiary, or enrollee for a civil penalty in an amount of up to $1,000 a day from the date on which the entity determines that the benefit was not authorized under the plan or issuer by the external review entity until the date the refusal to provide the benefit is corrected.

(2) CEASE AND DESIST ORDER AND ORDER OF ATTORNEY'S FEES.—

In any action described in paragraph (1) brought by a participant, beneficiary, or enrollee with respect to a group health plan, or a health insurance issuer offering health insurance coverage, in which a plaintiff alleges that a person referred to in such paragraph has taken an action resulting in a refusal of a benefit determined by an external appeal entity in violation of such terms of the plan, coverage, or this subtitle, or has failed to take an action for which the Secretary required or authorized, the person is responsible for the plan, coverage, or this title and which is necessary under the plan or coverage for authorizing a
benefit, the court shall cause to be served on the defendant an order requiring the defendant—
(A) to cease and desist from the alleged action of such person; or
(B) to pay to the plaintiff a reasonable attorney's fee and other reasonable costs relating to the prosecution of the action on the charges of such plaintiff prevailing.

(3) ADDITIONAL CIVIL PENALTIES.—
(A) IN GENERAL.—In addition to any penalty imposed under paragraph (1) or (2), the appropriate Secretary may assess a civil penalty against a person acting in the capacity of authorizing a benefit determined by an external review entity for one or more group health plans or health insurance issuers offering health insurance coverage, for—
(i) any pattern or practice of repeated refusal to authorize a benefit determined by an external appeal entity in violation of the terms of such a plan, coverage, or this title; or
(ii) any pattern or practice of repeated violations of the requirements of this section with respect to such plan or plans or coverage.

(b) GRIEVANCE SYSTEM.—Such system shall—
(1) establish and maintain a system to provide timely processing and resolution of grievances.
(2) Procedures for follow-up action, including the methods to inform the person making and resolution of grievances.

(c) TOLLING.—Grievances are not subject to appeal under the provisions of this subtitle.

Subtitle B—Access to Care
SEC. 4111. CONSUMER CHOICE OPTION.
(a) IN GENERAL.—If—
(1) a health insurance issuer providing health insurance coverage in connection with a group health plan offers to enrollees health insurance coverage which provides for coverage of services only if such services are furnished through health care professionals and providers who are members of a network of health care professionals and providers who have entered into a contract with the issuer to provide services, or
(2) a group health plan offers to participants or beneficiaries health benefits which provide for coverage of services only if such services are furnished through health care professionals and providers who are members of a network of health care professionals and providers who have entered into a contract with the issuer to provide services, then the issuer or plan shall also offer or arrange to offer to such enrollees, participants, or beneficiaries (at the time of enrollment and during each subsequent season as provided under subsection (c)) the option of health insurance coverage or health benefits which provide for coverage of such services which are not furnished through health care professionals and providers who are members of such a network unless such enrollees, participants, or beneficiaries are offered such non-network coverage through another group health plan or through another health insurance issuer in the group market.
(b) ADDITIONAL COSTS.—The amount of any additional cost sharing imposed by the health insurance issuer or group health plan for the additional cost of the creation and maintenance of a network of health care professionals and providers who are members of such a network shall be equal to the lesser of—
(1) the additional cost of the creation and maintenance of such network; or
(2) the difference between the amount of liability that would be incurred if the services were provided by a participating health care professional or provider with prior authorization and the amount of liability that would be incurred if the services were provided by a participating health care professional or provider without prior authorization.
(c) OPEN SEASON.—An enrollee, participant, or beneficiary may change to the offering provided under this section only during a time period determined by the health insurance issuer or group health plan.

SEC. 4112. CHOICE OF HEALTH CARE PROFESSIONAL.
(a) PRIMARY CARE.—If a group health plan, or a health insurance issuer that offers health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, the issuer shall permit each participant, beneficiary, or enrollee to designate any participating primary care provider who is available to accept such individual.
(b) SPECIALISTS.—
(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary or appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care professional who is available to accept such individual.
(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, enrollees of the limitations on choice of participating health care professionals with respect to such care.

CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the application of section 4114 (relating to access to specialty care).

SEC. 4113. ACCESS TO EMERGENCY CARE.
(a) COVERAGE OF EMERGENCY SERVICES.—
(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits with respect to services in an emergency department of a hospital, the plan or issuer shall cover emergency services (as defined in paragraph (2))—
(A) without the need for any prior authorization determination;
(B) whether or not the health care provider furnishing such services is a participating provider with respect to such services; or
(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee—
(i) by a nonparticipating health care provider with or without prior authorization; or
(ii) by a participating health care provider without prior authorization.

(b) DEFINITIONS.—In this section—
(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity (including pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to be harmful to the individual's health.

SEC. 4114. ON PRUDENT LAYPERSON STANDARD.
The term "prudent layperson standard" means—
(a) written notification to all such individuals and providers of the telephone numbers and business addresses of the plan or issuer personnel responsible for resolution of grievances and appeals;
(b) a system to record and document, over a period of at least three previous years, all grievances and appeals made and their status;
(c) a process providing for timely processing and resolution of grievances;
(d) procedures for follow-up action, including the methods to inform the person making and resolution of the grievance.

Grievances are not subject to appeal under the provisions of this subtitle.

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(b) Reimbursement for Maintenance Care and Post-Stabilization Care.—In the case of services (other than emergency services) for which benefits are available under a group health plan, the benefits for such treatment shall be provided under health insurance coverage offered by a health insurance issuer, the plan or issuer shall provide for reimbursement with respect to such services provided by a health care professional who is a participating provider other than through a participating health care provider in a manner consistent with subsection (a)(1)(C) (and shall otherwise comply with the benefit manager guidelines established under section 1852(d)(2) of the Social Security Act), if the services are maintenance care or post-stabilization care covered under such guidelines.

SEC. 4114. ACCESS TO SPECIALTY CARE.

(a) Specialty Care for Covered Services.—

(1) in general.—If—

(A) an individual is a participant or beneficiary under a group health plan or an enrollee who is covered under health insurance coverage offered by a health insurance issuer, and

(B) the individual has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist; and

(C) in treatment for such condition or disease, the plan or issuer shall provide for reimbursement with respect to such services provided by a health care professional who is a participating provider with respect to such care under the plan or coverage, the plan or issuer shall not require treatment by a specialist; and

(2) Such specialists shall be permitted to treat the individual whose primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the plan (referred to in subsection (a)(3)(A)) with respect to the ongoing special condition. If the individual's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the plan (referred to in subsection (a)(3)(A)) with respect to the ongoing special condition.

(b) Treatment for Related Referrals.—Such specialists shall be permitted to treat the individual whose primary care provider and may authorize such referrals, procedures, tests, and other medical services as the individual's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the plan (referred to in subsection (a)(3)(A)) with respect to the ongoing special condition.

(c) Ongoing Special Condition Defined.—In this subsection, the term "ongoing special condition" means a condition or disease that—

(A) is life-threatening, degenerative, or disabling; and

(B) requires specialized medical care over a prolonged period of time.

(d) Terms of Referral.—The provisions of paragraphs (3) through (5) of subsection (a) apply with respect to referrals under paragraph (1) of this subsection in the same manner as they apply to referrals under subsection (a)(1).

(e) Standing Referrals.—

(1) in general.—A group health plan, and a health insurance issuer in connection with the provision of health insurance coverage, shall have a procedure by which an individual to designate a participating primary care provider for a child of such enrollee, the plan or issuer shall permit the enrollee to designate a participating primary care provider for an ongoing special condition.

(2) Construction.—Nothing in subsection (a) shall be construed to waive any exclusions of coverage under the terms of the plan or health insurance coverage with respect to coverage of pediatric care.

SEC. 4115. ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) in general.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, and a health care provider is terminated (as defined in paragraph (3)(B)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in a group health plan, and an individual who is a participant, beneficiary, or enrollee in the plan or issuer shall—

(1) comply with the transitional provisions of paragraph (1) (and the subsequent provisions of this section) as they apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(2) Definitions.—For purposes of this section:

(A) Ongoing special condition.—The term "ongoing special condition" has the meaning given such term in section 4114(b)(3), and also includes pregnancy.

(B) Termination.—The term "terminated" includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract by the plan or issuer for failure to meet applicable quality standards for fraud.

(b) Transitional Period.—

(1) in general.—Except as provided in paragraphs (2) through (4), the transitional period under this section shall extend up to 90 days (as determined by the treating health care professional) after the date of the plan's termination.
the notice described in subsection (a)(1)(A) of the provider’s termination.

(2) SCHEDULED SURGERY OR ORGAN TRANSPLANTATION.—If surgery or organ transplantation is scheduled for an individual before the date of the announcement of the termination of the provider status under subsection (a)(1)(A) or if the individual on such date is listed or otherwise scheduled to have such surgery or transplantation, the transitional period under this subsection with respect to the surgery or transplantation shall extend beyond the period under paragraph (1) and until the date of discharge of the individual after completion of the surgery or transplantation.

(3) PREGNANCY.—If—

(a) a participant, beneficiary, or enrollee was determined to be pregnant at the time of a provider’s termination of participation; and

(b) the provider was treating the pregnancy before the date of the termination, the transitional period under this subsection with respect to provider’s treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

(4) TERMINAL ILLNESS.—If—

(A) a participant, beneficiary, or enrollee was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider’s termination of participation; and

(B) the provider was treating the terminal illness before the date of termination, the transitional period under this subsection shall extend for the remainder of the individual’s life for care directly related to the treatment of the terminal illness or its medical manifestations.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under subsection (a)(1)(B) upon the individual notifying the plan of the election of continued coverage and upon the provider agreeing to the following terms and conditions:

(1) The provider agrees to accept reimbursement from the plan or issuer and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or issuer after the date of the termination of participation) with the health insurance issuer and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The provider agrees to accept reimbursement from the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the provider’s participation in an approved clinical trial.

(3) The provider agrees otherwise to adhere to such plan’s or issuer’s policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider.

SEC. 411A. ACCESS TO NEEDED PRESCRIPTION DRUGS.

If a group health plan, or health insurance issuer, provides prescription drugs but the coverage limits such benefits to drugs included in a formulary, the plan or issuer shall—

(1) ensure participation of participating physicians and pharmacists in the development of the formulary, and notify beneficiaries and enrollees of the nature and extent of any non-formulary alternative for the covered drug that is medically indicated.

(2) disclose to providers and, disclose upon request under section 4122(c)(5) to participants, beneficiaries, and enrollees, the nature and extent of any non-formulary alternative for the covered drug that is medically indicated.

(3) consistent with the standards for a utilization review program under section 4101, provide for exceptions from the formulary limitation when a non-formulary alternative for the covered drug that is medically indicated is medically indicated.

SEC. 4119. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

(a) COVERAGE.—

(1) IN GENERAL.—If a group health plan, or health insurance issuer that is providing health insurance coverage, provides coverage for a qualified individual (as defined in subsection (b), the plan or issuer—

(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

(C) may not discriminate against the individual on the basis of the enrollee's participation in such trial.

(2) EXCLUSION OF CERTAIN COSTS.—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the trial measurements conducted primarily for the purpose of the clinical trial involved.

(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term "qualified individual" means an individual who is a participant in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in such clinical trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(c) PAYMENT.—In the case of covered items and services provided by—

(1) a participating provider, the payment shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A), (B) or (C) of section 1851(b)(2) or (4) to providers of such services under subparagraph (A), (B) or (C) of section 1851(b)(2) or (4), as the case may be.

(2) a health insurance issuer that is providing health insurance coverage for a qualified individual under a group health plan, the payment shall be at the rate the plan or issuer would normally pay for comparable services under subparagraph (A), (B) or (C) of section 1851(b)(2) or (4), as the case may be.

(3) a health insurance issuer in connection with the provider of the qualified clinical trial described in paragraph (2), with respect to clinical trial services under subparagraph (A).

(d) PREVENTION OF DISCRIMINATION.—Nothing in paragraph (1) shall be construed to limit a plan's or issuer's coverage with respect to clinical trial services under subparagraph (A).

(e) QUILIFIED INDIVIDUAL DEFINED.—For purposes of paragraph (1), the term "qualified individual" means an individual who is a participant in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in such clinical trial through such a participating provider if the provider will accept the individual as a participant in the trial.

(f) APPLICATION.—For purposes of paragraph (1), the term "qualified individual" means an individual who is a participant in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in such clinical trial through such a participating provider if the provider will accept the individual as a participant in the trial.

SEC. 4121. PATIENT ACCESS TO INFORMATION.

(a) DISCLOSURE REQUIREMENT.—

(1) GROUP HEALTH PLANS.—A group health plan, or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form; to providers of such plan, to enrollees, and to the public the information described in subsection (b), in information provided on such significant changes and;

(b) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) HEALTH INSURANCE ISSUERS.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of such enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), in information provided on such significant changes and;

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) INFORMATION PROVIDED.—The information described in this subsection with respect to health insurance issuers, the applicable authority, and prospective participants and beneficiaries includes the following:

Subtitle C—Access to Information

SEC. 4121. PATIENT ACCESS TO INFORMATION.

(a) DISCLOSURE REQUIREMENT.—

(1) GROUP HEALTH PLANS.—A group health plan, or

(A) provide to participants and beneficiaries at the time of initial coverage under the plan (or the effective date of this section, in the case of individuals who are participants or beneficiaries as of such date), and at least annually thereafter, the information described in subsection (b) in printed form; to providers of such plan, to enrollees, and to the public the information described in subsection (b), in information provided on such significant changes and;

(b) upon request, make available to participants and beneficiaries, the applicable authority, and prospective participants and beneficiaries, the information described in subsection (b) or (c) in printed form.

(2) HEALTH INSURANCE ISSUERS.—A health insurance issuer in connection with the provision of health insurance coverage shall—

(A) provide to individuals enrolled under such coverage at the time of such enrollment, and at least annually thereafter, the information described in subsection (b) in printed form;

(B) provide to enrollees, within a reasonable period (as specified by the appropriate Secretary) before or after the date of significant changes in the information described in subsection (b), in information provided on such significant changes and;

(C) upon request, make available to the applicable authority, to individuals who are prospective enrollees, and to the public the information described in subsection (b) or (c) in printed form.

(b) INFORMATION PROVIDED.—The information described in this subsection with respect to health insurance issuers, the applicable authority, and prospective participants and beneficiaries includes the following:
1. **Service Area.**—The service area of the plan or issuer.
2. **Benefits.**—Benefits offered under the plan or coverage, including:
   - (A) Covered benefits; and
   - (B) Maximum and minimum limitations on out-of-pocket expenses.
3. **Cost-Sharing.**—Cost-sharing provisions.
4. **Provider Network.**—Participating and nonparticipating providers, including participating primary and specialty providers.
5. **Emergency Coverage.**—Coverage of emergency services.
6. **Plan or Coverage.**—Information on the number, mix, and distribution of providers participating in the plan or issuer network.
8. **Cost of Prescription Drugs.**—The cost of prescription drugs, including generic drugs.

**SEC. 4132. PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS BASED ON LICENSED, CERTIFIED, OR LICENSED AND CERTIFIED HEALTH CARE PROFESSIONALS.**

(a) In General.—A group health plan and a health insurance issuer offering health insurance coverage shall not discriminate with respect to participation or any matters related to any provider who is acting within the scope of the provider's licenses or certifications against an applicant for such licenses or certifications.

(b) Subsection (a) shall be construed—

(1) as requiring the coverage under a group health plan or health insurance coverage of the benefits or services of an applicant for a license or certificate, or an applicant for participation in the plan or issuer, or to prohibit a plan or issuer from including providers only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees. A plan or issuer proposed to provide any measure designed to maintain quality and control costs consistent with the responsibilities of the plan or issuer;

(2) to override any State licensure or scope-of-practice law; or

(3) as requiring a plan or issuer that offers network coverage to include for participation in the plan or issuer only to the extent necessary to meet the terms and conditions of the plan or issuer.

**SEC. 4133. PROHIBITION AGAINST IMPROPER INCENTIVE ARRANGEMENTS.**

(a) In General.—A group health plan and a health insurance issuer offering health insurance coverage may not apply any physician incentive plan (as defined in subparagraph (C) of section 1876(c) of the Social Security Act) unless the requirements described in clauses (i), (ii), and (iii) of subparagraph (A) of such section are met with respect to the plan or issuer.

(b) Application.—For purposes of carrying out paragraph (1), any reference in section 1876(c)(8) of the Social Security Act to the Secretary, an eligible organization, or an individual enrolled with the organization shall be treated as a reference to the applicable authority, a group health plan or health insurance issuer, respectively, and a participant, beneficiary, or enrollee with respect to the benefits covered by the plan or issuer, in a manner consistent with the provisions of sections 1875(c)(2), 1876(c)(2) of the Social Security Act (42 U.S.C. 1395h(c)(2) and 42 U.S.C. 1395w(c)(2), except that for purposes of this section, subparagraph (C) of section 1876(c)(2) of the Social Security Act shall be treated as applying to claims referred to in such subparagraph.

**SEC. 4134. PAYMENT OF CLAIMS.**

A group health plan, and a health insurance issuer offering health insurance coverage, shall provide for prompt payment of claims submitted for health care services or supplies furnished to a participant, beneficiary, or enrollee with respect to the benefits covered by the plan or issuer, in a manner consistent with the provisions of sections 1851(c)(2) and 1852(c)(2) of the Social Security Act (42 U.S.C. 1395l(c)(2) and 42 U.S.C. 1395w(c)(2), except that for purposes of this section, subparagraph (C) of section 1852(c)(2) of the Social Security Act shall be treated as applying to claims referred to in such subparagraph.

**SEC. 4135. PROTECTION FOR PATIENT ADVOCACY.**

(a) Protection for Use of Utilization Review and Grievance Process. —A group health plan, and a health insurance issuer with respect to the provision of health insurance coverage, may not retaliate against a participant, beneficiary, enrollee, or health care provider based on the participant's regret of a claim or appeal process, or participation in, a utilization review process or a grievance process of the plan or issuer (including an internal or external re-review process or an appeal process).

(b) Protection for Quality Advocacy by Health Care Professionals. —
(1) In General.—A group health plan or health insurance issuer may not retaliate or discriminate against a protected health care professional because the professional in good faith—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer;

(B) provides, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided under such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) Good Faith Action.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or of a generally recognized professional or clinical standard or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable procedures of the plan or issuer, or institutional health care provider established for the purpose of addressing quality concerns before making the disclosure.

(3) Exception and Special Rule.—

(A) General Exception.—Paragraph (2) does not apply in case disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) Notice of Internal Procedures.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) Internal Procedure Exception.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.

(4) Additional Considerations.—It shall not be considered acting in good faith if the protected health care professional—

(A) discloses information relating to the care, services, or conditions affecting one or more participants, beneficiaries, enrollees of the plan or issuer to an appropriate public regulatory agency, an appropriate private accreditation body, or appropriate management personnel of the plan or issuer;

(B) provides, or otherwise participates in an investigation or proceeding by such an agency with respect to such care, services, or conditions.

If an institutional health care provider is a participating provider with such a plan or issuer or otherwise receives payments for benefits provided under such a plan or issuer, the provisions of the previous sentence shall apply to the provider in relation to care, services, or conditions affecting one or more patients within an institutional health care provider in the same manner as they apply to the plan or issuer in relation to care, services, or conditions provided to one or more participants, beneficiaries, or enrollees; and for purposes of applying this sentence, any reference to a plan or issuer is deemed a reference to the institutional health care provider.

(2) Good Faith Action.—For purposes of paragraph (1), a protected health care professional is considered to be acting in good faith with respect to disclosure of information or participation if, with respect to the information disclosed as part of the action—

(A) the disclosure is made on the basis of personal knowledge and is consistent with that degree of learning and skill ordinarily possessed by health care professionals with the same licensure or certification and the same experience;

(B) the professional reasonably believes the information to be true;

(C) the information evidences either a violation of a law, rule, or regulation, of an applicable accreditation standard, or that a patient is in imminent hazard of loss of life or serious injury; and

(D) subject to subparagraphs (B) and (C) of paragraph (3), the professional has followed reasonable procedures of the plan or issuer, or institutional health care provider established for the purpose of addressing quality concerns before making the disclosure.

(3) Exception and Special Rule.—

(A) General Exception.—Paragraph (2) does not apply in case disclosures that would violate Federal or State law or diminish or impair the rights of any person to the continued protection of confidentiality of communications provided by such law.

(B) Notice of Internal Procedures.—Subparagraph (D) of paragraph (2) shall not apply unless the internal procedures involved are expected to be known to the health care professional involved. For purposes of this subparagraph, a health care professional is reasonably expected to know of internal procedures if those procedures have been made available to the professional through distribution or posting.

(C) Internal Procedure Exception.—Subparagraph (D) of paragraph (2) also shall not apply if—

(i) the disclosure relates to an imminent hazard of loss of life or serious injury to a patient;

(ii) the disclosure is made to an appropriate private accreditation body pursuant to disclosure procedures established by the body; or

(iii) the disclosure is in response to an inquiry made in an investigation or proceeding of an appropriate public regulatory agency and the information disclosed is limited to the scope of the investigation or proceeding.
obtaining prior approval from a health insurance issuer or group health plan for the provision or coverage of medical services.

SEC. 4152. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this title shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard for health insurance coverage solely relating to health insurance issuers (in connection with group health insurance coverage or otherwise) except to the extent that such standard or requirement prevents the application of a requirement of this title.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this title shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(b) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term "State law" includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of a limited number of States.

(2) STATE.—The term "State" includes a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, any political subdivisions of such, or any agency or instrumentality of such.

SEC. 4153. EXCLUSIONS.

(a) NO BENEFIT REQUIREMENTS.—Nothing in this title shall be construed to require a group health plan or a health insurance issuer offering health insurance coverage to include in a group health plan or health insurance coverage any benefits or services under the terms of such a plan or coverage, other than those that are provided for under the terms of such plan or coverage.

(b) EXCLUSION FROM ACCESS TO CARE MANAGED CARE PROVISIONS FOR FEE-FOR-SERVICE COVERAGE.—

(1) IN GENERAL.—The provisions of sections 4111 through 4117 shall not apply to a group health plan or health insurance coverage if the only coverage offered under the plan or coverage is fee-for-service coverage (as defined in section 4114(a)(4)).

(2) FEE-FOR-SERVICE COVERAGE DEFINED.—For purposes of this subsection, the term "fee-for-service coverage" means coverage under a group health plan or health insurance coverage that—

(A) reimburses hospitals, health professionals, and other providers on the basis of a rate determined by the plan or issuer on a fee-for-service basis without placing the provider at financial risk;

(B) does not vary reimbursement for such a provider on an agreement to contract terms and conditions or the utilization of health care items or services relating to such provider;

(C) does not restrict the selection of providers among those who are lawfully authorized to provide the covered services and agree to accept the terms and conditions of payment established under the plan or by the issuer; and

(D) for which the plan or issuer does not require or encourage preauthorization before providing coverage for any services.

SEC. 4154. COVERAGE OF LIMITED SCOPE PLANS.

Only for purposes of applying the requirements of this title under sections 2707 and 2725 of the Public Health Service Act and section 714 of the Employee Retirement Income Security Act of 1974, section 2707(c)(2)(A), and section 733(c)(2)(A) of the Employee Retirement Income Security Act of 1974 shall be deemed not to apply.

SEC. 4155. REGULATIONS.

The Secretary of Health and Human Services and Labor shall issue such regulations as may be necessary or appropriate to carry out this title. Such regulations shall be issued under section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretary determine are appropriate to carry out this title.

TITLE XII—APPLICATION OF QUALITY CARE STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER THE PUBLIC HEALTH SERVICE ACT

SEC. 4201. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2707. PATIENT PROTECTION STANDARDS.

'(a) IN GENERAL.—Each group health plan shall comply with patient protection requirements under title XLI of the Patients' Bill of Rights and Guarantees Act of 1996.

'(b) NOTICE.—A group health plan shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) and a health insurance issuer shall comply with the notice requirement under such title as if such section applied to such issuer and such issuer were a group health plan.'"

(b) CONFORMING AMENDMENT.—Section 2721(b)(1)(B) of such Act (42 U.S.C. 300gg±21(b)(1)(B)) is amended by adding at the end the following new subsection:

"'(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (b), insurance under a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the requirements referred to in section 4111(a) of the Patients' Bill of Rights Act with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer.'"

"'(A) Section 4112 (relating to choice of providers).

'(B) Section 4113 (relating to access to emergency care).

'(C) Section 4114 (relating to access to specialty care).

'(D) Section 4115 (relating to obstetrical and gynecological care).

'(E) Section 4116 (relating to access to pediatric care).

'(F) Section 4112(a)(3) (relating to continuity of care in case of termination of provider contract) and section 4112(a)(2) (relating to continuity in case of termination of issuer contract), but only insofar as a replacement issuer assumes the obligation for continuity of care.

'(G) Section 4118 (relating to access to needed prescription drugs).

'(H) Section 4119 (relating to coverage for individuals participating in approved clinical trials).

'(I) Section 4143 (relating to payment of claims).

'(2) INFORMATION.—With respect to information required to be provided or made available under section 4121, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide or make available the information (and is not liable for the issuer's failure to provide or make available the information), if the issuer is obligated to provide and make available (or provides and makes available) such information.

'(3) GRIEVANCE AND INTERNAL APPEALS.—With respect to the internal appeals process and the grievance system required to be established under sections 4120 and 4124, in the case of a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide for such process and system (and is not liable for the issuer's failure to provide for such process and system), if the issuer is obligated to provide for (and provides for) such process and system.

'(4) EXTERNAL APPEALS.—Pursuant to rules of the Secretary, insofar as a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the issuer is not liable for the entity's failure to provide such process and system, the issuer is not liable for the entity's failure to meet any requirements under such section.

'(5) APPLICATION TO PROHIBITIONS.—Pursuant to rules of the Secretary, insofar as a group health plan that provides benefits in the form of health insurance coverage through a health insurance issuer offers health insurance coverage in connection with such a plan that provides benefits in the form of health insurance coverage through a health insurance issuer, the Secretary shall determine the circumstances under which the plan is not required to provide such benefits in the form of health insurance coverage through a health insurance issuer, if the issuer is obligated to provide and make available such benefits, if applicable (and is not liable for the issuer's failure to provide such benefits in the form of health insurance coverage through a health insurance issuer), if the issuer is obligated to provide for (and provides for) such benefits in the form of health insurance coverage through a health insurance issuer.

'(b) TECHNICAL AMENDMENT.—Section 4112(b)(2)(A) of such Act (42 U.S.C. 300gg±21(b)(2)(A)) is amended by inserting "other than section 2707" after "requirements of such subparts."
and takes an action in violation of any of the following sections, the group health plan shall not be liable for such violation unless the plan caused such violation:

(A) any action by an employer or employer-sponsored group health plan or other plan sponsor as an employer, or sponsor acting within the scope of employment), or

(i) a right of recovery, indemnity, or contribution by a person against a group health plan, employer, or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

(ii) a cause of action which is only punitive or exemplary; or

(B) LIMITATION ON PUNITIVE DAMAGES.—

(i) it relates to an externally appealable decision (as defined in subsection (a)(2) of section 4013 of the Patients' Bill of Rights Act);

(ii) it involves an appeal, or the determination of the externally appealable decision upon receipt of the determination of the external appeal entity.

The provisions of this clause supersede any State law or common law to the contrary.

(2) EXCEPTION.—Clause (i) shall not apply if it is shown by a preponderance of the evidence that at the time the action was brought or, if later, within 30 days after the date the externally appealable decision was made; and

(3) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions and omissions occurring on or after the date of enactment of this Act, from which a cause of action arises.

SEC. 4001. LIMITATIONS ON ACTIONS.

Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) (as amended by section 304(b)) is amended further by adding at the end the following new subsection:

(4) CONSTRUCTION.—Nothing in this title shall be construed as

(A) permitting a cause of action under State law for the failure to provide an item or service which is specifically excluded under the group health plan involved;

(B) as preempting a State law which requires an affidavit or certificate of merit in a civil action; or

(C) permitting a cause of action or remedy under State law in connection with the provision or arrangement of excepted benefits (as defined in section 733(c)), other than those described in section 4101(b), as exceptions to the application of section 733(c)(2)(A).

(5) RULES OF CONSTRUCTION RELATING TO HEALTH CARE.—Nothing in this title shall be construed as

(A) permitting the application of State laws that are otherwise superseded by this title and that mandate the provision of specific benefits by a group health plan (as defined in section 733(a)) or a multiple employer welfare arrangement (as defined in section 3(40)), or

(B) affecting any State law which regulates the practice of medicine or provision of medical care, or affecting any action based upon such a State law.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions and omissions occurring on or after the date of enactment of this Act, from which a cause of action arises.

SEC. 4002. ERISA PREEMPTION NOT TO APPLY TO CERTAIN ACTIONS INVOLVING HEALTH INSURANCE POLICY- HOLDERS.

(a) IN GENERAL.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) (as amended by section 303(b)) is amended by inserting at the end the following subsection:

(ii) any action by an employer or employer-sponsored group health plan, or other plan sponsor (or such an employee) for damages assessed against the person pursuant to a cause of action under paragraph (1).

(B) SPECIFIC SUBPARAGRAPH.—Subparagraph (A) shall not preclude any cause of action described in paragraph (1) against group health plan or an employer or other plan sponsor (or against an employee of such a plan, employer, or sponsor acting within the scope of employment) if—

(i) such action is based on the exercise by the plan, employer, or sponsor (or employee) of discretionary authority to make a decision on a claim for benefits covered under the plan or health insurance coverage in the case at issue (b));

(ii) the exercise by the plan, employer, or sponsor (or employee) of such authority resulted in personal injury or wrongful death.

(iii) a cause of discretionary authority described in subparagraph (B)(i) shall not be construed to include—

(A) PERIODICITY OF PAYMENTS.—

(1) NON-PREEMPTION OF CERTAIN CAUSES OF ACTION.—

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions and omissions occurring on or after the date of enactment of this Act, from which a cause of action arises.
TITLE XLV—APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986

SEC. 4401. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the last entry relating to section 9012 the following new item:

“Sec. 9813. Standard relating to patient freedom of choice.”;
and

(2) by inserting after section 9812 the following:

“Sec. 9813. Standard relating to patients’ bill of rights.

“A group health plan shall comply with the requirements of title XLI of the Patient’s Bill of Rights Act (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.”

TITLE XLV—EFFECTIVE DATES; COORDINATION IN IMPLEMENTATION

SEC. 4501. EFFECTIVE DATES.

(a) Group health coverage.—

(1) In general.—Subject to paragraph (2), regulations, rulings, and interpretations issued by such Secretaries relating to the requirements of title XLI of the Patient’s Bill of Rights Act (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this section.

(b) Individual health coverage.—

(1) In general.—Subject to paragraph (2), the amendments made by sections 4201(a), 4301, 4303, and 4401 (and title XLI insofar as it relates to such sections) shall apply with respect to group health plans and the insurance coverage offered in connection with group health plans, for plan years beginning on or after October 1, 2002 (in this section referred to as the “general effective date”) and also shall apply to portions of plan years occurring on and after such date.

(2) Treatment of collective bargaining agreements.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers, before the date of the enactment of this Act, the amendments made by sections 4201(a), 4301, 4303, and 4401 (and title XLI insofar as it relates to such sections) shall not apply to—

(A) the date on which the last collective bargaining agreement relating to the plan terminated (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) the general effective date.

For purposes of paragraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement otherwise not effective as of such date shall not be treated as a termination of such collective bargaining agreement.

(b) Individual health insurance coverage.—The amendments made by section 4202 shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the United States on or after the general effective date.

SEC. 4502. COORDINATION IN IMPLEMENTATION.

The Secretary of Labor, the Secretary of Health and Human Services, and the Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE XLVIII—MISCELLANEOUS PROVISIONS

SEC. 4601. HEALTH CARE PAPERWORK SIMPLIFICATION.

(a) Establishment of Panel.—

(1) Establishment.—There is established a panel to be known as the Health Care Panel to Devise a Uniform Explanation of Benefits (in this section referred to as the “Panel”).

(2) Duties of Panel.—(A) In general.—The Panel shall devise a single form for use by third-party health care payers for the remittance of claims to providers.

(B) Definition.—For purposes of this section, the term “third-party health care payer” means any entity that contractually pays health care bills for an individual.

(C) Size and Composition.—The Secretary of Health and Human Services shall determine the number of members and the composition of the Panel. Such Panel shall include equal numbers of representatives of private insurance organizations, consumer groups, State insurance commissioners, local medical societies, hospital associations, and State medical specialty societies.

(D) Terms of Appointment.—The members of the Panel shall serve for the life of the Panel.

(E) Vacancies.—A vacancy in the Panel shall not affect the power of the remaining members to execute the duties of the Panel, but any such vacancy shall be filled in the same manner in which the original appointment was made.

(b) Procedures.—

(A) Meetings.—The Panel shall meet at the call of a majority of its members.

(B) First Meeting.—The Panel shall convene not later than 60 days after the date of the enactment of the Bipartisan Consensus Managed Care Improvement Act of 1999.

(c) Quorum.—A quorum shall consist of a majority of the members of the Panel.

(d) Hearings.—For the purpose of carrying out its duties, the Panel may hold such hearings and undertake such other activities as the Panel determines to be necessary to carry out its duties.

(e) Administration.—

(A) Compendium.—Except as provided in subparagraph (B), members of the Panel shall receive no additional pay, allowances, or benefits by reason of their service on the Panel.

(B) Travel Expenses and Per diem.—Each member of the Panel who is not an officer or employee of the Federal Government shall receive, in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(C) Contract Authority.—The Panel may contract with appropriate private insurance organizations and agencies, and State medical specialty societies.

(d) Hearings.—For the purpose of carrying out its duties, the Panel may hold such hearings and undertake such other activities as the Panel determines to be necessary to carry out its duties.

(e) Administration.—

(A) Compendium.—Except as provided in subparagraph (B), members of the Panel shall receive no additional pay, allowances, or benefits by reason of their service on the Panel.

(B) Travel Expenses and Per diem.—Each member of the Panel who is not an officer or employee of the Federal Government shall receive, in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(C) Contract Authority.—The Panel may contract with appropriate private insurance organizations and agencies, and State medical specialty societies.

(D) Use of Mails.—The Panel may use the United States mails in the same manner and under the same conditions as Federal agencies.

(F) Administrative Support Services.—The Panel may use the United States mails in the same manner and under the same conditions as Federal agencies.

(G) Submission of Form.—Not later than two years after the first meeting, the Panel shall submit a form to the Secretary of Health and Human Services for use by third-party health care payers.

(7) Termination.—The Panel shall terminate on or after submitting the form under paragraph (6).

(b) Requirement for Use of Form by Third-Party Health Care Payers.—A third-party health care payer shall be required to use the form devised under subsection (a) for plan years beginning on or after 5 years following the date of the enactment of this Act.

SEC. 4602. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) In General.—Nothing in this Act (or any amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 401).

(b) Transfer of Funds.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary of the Treasury shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such Act.

SEC. 4603. CUSTOMS USER FEES.

(A) Assessments.—(1) As provided in title 1303U(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking “2003” and inserting “2010”.

BINGAMAN AND DOMENICI AMENDMENT NO. 3274

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

Sec. . Maverick Missile upgrades.

Available of Funds.—(1) Of the amount authorized to be appropriated by section X of such Act for missile procurements for the Air Force, the amount available for Maverick modifications is hereby increased by $5,000,000.

(2) Of the amounts available under this Act for In-Service Missile Modifications, as increased by paragraph (1), $5,000,000 shall be available for conversion of AGM-65A and AGM-65G missiles to both the AGM-65H and K configurations, of which an appropriate quantity will be procured for Air National Guard pilot training.

(3) The amount made available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts made available under this Act for that purpose.

EDWARDS AND TORRICELLI AMENDMENT NO. 3275

(Ordered to lie on the table.)

Mr. EDWARDS (for himself and Mr. TORRICELLI) submitted an amendment intended to be proposed by them to the bill, S. 2549, supra; as follows:

At the appropriate place, insert the following:

Sec. . Maverick Missile upgrades.
be appropriated to assist communities in need of long-term economic development aid as a result of damage suffered by Hurricane Floyd.

**EDWARDS AMENDMENT NO. 3276**
(Ordered to lie on the table.)
Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill, S. 2549; supra; as follows:

At the appropriate place, insert the following:

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SEC. 3. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces, to include special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.
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**BINGAMAN AMENDMENT NO. 3277**
(Ordered to lie on the table.)
Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 2549; supra; as follows:

On page 462, between lines 2 and 3, insert the following:

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SEC. 1210. CONTROLS ON EXPORTS OF SATELLITES AND RELATED EQUIPMENT.

Section 1513(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2174; 22 U.S.C. 2778 note) is amended to read as follows:

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(b) RELATIONSHIP TO OTHER LAWS.—The satellitites and related equipment on the United States Munitions List under subsection (a) shall not be considered as being defense articles or defense services for the purpose of any provision of law other than section 38 of the Arms Export Control Act except as may be specifically provided in that other provision of law.''
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**DEPARTMENT OF DEFENSE APPROPRIATIONS ACT 2001**

**STEVENS (AND INOUYE) AMENDMENT NO. 3278**

Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill (H.R. 4576) making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

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Mr. STEVENS is a member of the Armed Services Committee.
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**MILITARY PERSONNEL, NAVY**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 423(b)), and to the Department of Defense Military Retirement Fund, $2,173,929,000.

**MILITARY PERSONNEL, AIR FORCE**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 423(b)), and to the Department of Defense Military Retirement Fund, $17,877,215,000.

**MILITARY PERSONNEL, MARINE CORPS**

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 423(b)), and to the Department of Defense Military Retirement Fund, $6,831,373,000.

**RESERVE PERSONNEL, ARMY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10392, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code, and for payments pursuant to section 128 of the Defense Appropriations Act, 2001, to the Department of Defense Military Retirement Fund, $2,458,961,000.

**RESERVE PERSONNEL, NAVY**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code, and for payments pursuant to section 128 of the Defense Appropriations Act, 2001, to the Department of Defense Military Retirement Fund, $1,539,400,000.
CONGRESSIONAL RECORD — SENATE

June 8, 2000

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OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and equipment; care of the dead; recruiting; procurement of facilities and equipment; and communications, $1,693,859,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and arming the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to facilities, maintenance, and control of aircraft; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, maintenance, and issue of supplies and equipment, including aircraft, $3,330,535,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities, including the training and operation of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) of personnel authorized by law for Air National Guard person- sonnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $3,481,775,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND (INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $4,100,577,000, to remain available until expended: Provided further, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title, the Defense Health Program appropriation, and to working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this account are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this Act is in addition to any other transfer authority contained elsewhere in this Act.
For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $8,574,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,932,000, to remain available until transferred:
Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, Navy (INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $294,038,000, to remain available until transferred:
Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, Air Force (INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,300,000, to remain available until transferred:
Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

MISSILE PROCUREMENT, Army

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and other expenses necessary for the Department of Defense and training devices; expansion of public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,352,862,000, to remain available for obligation until September 30, 2003.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, Army

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor, specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2654 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and for similar purposes, such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,166,574,000, to remain available for obligation until September 30, 2003.

OTHER PROCUREMENT, Army

For construction, procurement, production, and modification of weapons and tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 35 passenger motor vehicles for replacement only; and the purchase of 12 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,000,786,000, to remain available for obligation until September 30, 2003.

UNITED STATES COURTS OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $8,574,000, of which not to exceed $2,500 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, Army (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $389,932,000, to remain available until transferred:
Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, Formerly Used Defense Sites (INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $231,499,000, to remain available until transferred:
Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (con- sisting of the programs described under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $55,900,000, to remain available until September 30, 2003.

FORMER SOVIET UNION, EASTERN EUROPE, AND TRANSITION STATES REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapons-related technologies; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, Special Forces Armed Forces, technology and expertise, $458,400,000, to remain available until September 30, 2003.

Provided, That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

AIRCRAFT PROCUREMENT, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and other expenses necessary for the foregoing purposes, and for the training and support of defense and military personnel for demilitarization and protection of weapons, Special Forces Armed Forces, technology and expertise, $2,166,574,000, to remain available for obligation until September 30, 2003.

For construction, procurement, production, modification, and modernization of aircraft, $1,352,862,000, to remain available for obligation until September 30, 2003.

For the Department of Defense, $21,412,000, to remain available until transferred:
Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.
AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories thereof; specialized equipment; expansion of public and private plants, including the land necessary therefor; and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,426,499,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories thereof; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,571,650,000, to remain available for obligation until September 30, 2003.

PROCUREMENT, MARINE CORPS

For construction, procurement, production, modification, and modernization of ammunition, and accessories thereof; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code; and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $1,571,650,000, to remain available for obligation until September 30, 2003.

Vessel Construction

For construction, procurement, production, modification, and modernization of ships, vessels, other equipment, including ordnance, spare parts, and accessories thereof; expansion of public and private plants, including the land necessary therefor; and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, including ordnance, spare parts, and accessories thereof, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment layaway, $8,426,499,000, to remain available for obligation until September 30, 2003.

Vessel Repair

For construction, procurement, production, modification, and modernization of ships, vessels, other equipment, including ordnance, spare parts, and accessories thereof; expansion of public and private plants, including the land necessary therefor; and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, and other expenses necessary for the procurement of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories thereof, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment layaway, $8,426,499,000, to remain available for obligation until September 30, 2003.

Missile Procurement

For construction, procurement, and modification of missiles, spacecraft, rockets, and other equipment, including spare parts and accessories thereof, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment layaway, $8,426,499,000, to remain available for obligation until September 30, 2003.
CONGRESSIONAL RECORD — SENATE

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Weapons, and other procurement for the re-
serve components of the Armed Forces, $150,000,000, to remain available for obliga-
tion until September 30, 2002; Provided, That the Chief of the Naval Reserve and the National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense commit-
tees the most recent inventory priority assessment for their respective Reserve or National Guard component.

TITLe IV
RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For research, development, test and evaluation, Army.
For expenses necessary for basic and ap-
plied research, development, test and evaluation, and habilitation, lease, and operation of facili-
ties and equipment, $5,683,675,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For expenses necessary for basic and ap-
plied research, development, test and evaluation, and habilitation, lease, and operation of facili-
ties and equipment, $8,812,070,000, to remain available for obligation until September 30, 2002.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE
For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and deter-
mined by the Secretary of Defense, pursuant to law; operation of facilities and equipment, $13,931,145,000, to remain available for obligation until September 30, 2002.

TITLe V
OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, $2,890,923,000, to remain available until expended; Provided, That these funds shall only be available for transfer to the appropriated program P-1 line item of Title III of this Act for the purposes specified in this section; Provided further, That the funds transferred under the authority provided in this section shall be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

TITLe VI
RELATED AGENCIES
CENTRAL INTELLIGENCE AGENCY
CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central In-
telligence Agency Retirement and Disability System, $216,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $177,331,000, of which $22,357,000 for the Ad-
visory Board for Research and Analysis. The Com-
mittee shall remain available until Sept-
tember 30, 2002; Provided, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibil-
ities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2002,

PAYMENT TO KAHO’OLAME
For payment to Kaho’olawe Island Convey-
ance, Remediation, and Environmental Re-
covery Fund, $60,000,000, to remain available until expended.
purposes, and for the same time period, as or funds or any subdivision thereof, to be construction) between such appropriations

fense for military functions (except military

$2,000,000,000 of working capital funds of the

approval of the Office of Management

essary in the national interest, he may, with

Secretary of Defense that such action is nec-

licity or propaganda purposes not authorized

in this Act shall be used for pub-

requirements, than those for which originally

military obligations for humanitarian and civic assist-

pursuant to section 401 of title 10, United

Armed Forces, funds are hereby appropriated

for the operation and maintenance of the

Act of 1980:

provided further

the appropriate host nation to its own em-

section 5332 of

Congress prior to any such obligation.

No part of any appropriation contained in this Act shall be available for the basic pay and

United States Code, for any member of the armed

Education Benefits Fund pursuant to section

United States, its territories, and the Dis-

Secretary of the Army that such action is

and freely associated states of Micronesia,

funds to procure or increase the value of war

Congress of the proposed trans-

in this Act: Provided, That no part of

appropriations in this Act which are limited for

 obliged obligation during the current fiscal year

shall be obligated during the last 2 months of

Provided, That this section shall not apply to obligations for support of

active duty training of reserve components or

summer camp training of the Reserve Of-

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Sec-

aty of Defense that such action is nec-

ary in the national interest, he may, with

the appropriate Office of Management and

Budget, transfer not to exceed $2,000,000,000 of working capital funds of the

Department of Defense or funds made avail-

able to the Department of De-

fense for military functions (except military

construction) between such appropriations or

funds or any subdivision thereof, to be

merged with and be available for the same

purposes, and for the same time period, as

the appropriation or fund to which trans-

ferred: Provided, That such authority to trans-

fer is exercised unless upon request of any

priority items, based on unforeseen military

requirements, than those for which originally

appropriated and in no case where the item

is otherwise authorized in this Act, approved by the Congress: Provided further, That the Secretary of Defense shall notify the

Congress promptly of all transfers made pursuant to his authority or any other au-

tority in this Act: Provided further, That

no part of the funds in this Act shall be avail-

able to prepare or present a request to the

Committee on Appropriations for re-

programming of funds, unless for higher

priority items, based on unforeseen military

requirements, than those for which originally

appropriated and in no case where the item

is otherwise authorized in this Act: Provided further, That

provided further

Transfer of Funds

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the

Department of Defense established pursuant to

section 2208 of title 10, United States Code

shall be used for the purposes of title VIII of

Public Law 102-183, $6,950,000, to be derived from the

military obligations for humanitarian and civic assist-

programs conducted at Army medical facili-

on any legislation or appropriation mat-

This workyear limitation.

None of the funds made available by this Act shall be used to make

payments under section 3015(d) of title 38, United

States Code, for any member of the armed

services who, on or after the date of the en-

actment of this Act, enlists in the armed

services for a period of active duty of less

than 3 years, nor shall any amounts repre-

senting the normal cost of such future ben-

efits be transferred from the Fund by the

Secretary of the Treasury or by the Secretary of Veterans Affairs pursuant to section

10 of title 10, United States Code, re-

presenting the normal cost for future benefits under the

provisions of title 38, United States Code, for any member of the armed

services who, on or after the date of the

enactment of this Act, enrols in the armed

services for a period of active duty of less

than 3 years, nor shall any amounts repre-

senting the normal cost of such future ben-

efits be transferred from the Fund by the

Secretary of the Treasury or by the Secretary of Veterans Affairs pursuant to section

10 of title 10, United States Code, nor shall the Secretary of Veterans Affairs pay

such benefits to any such member: Provided, That

these limitations shall not apply to members in combat arms skills or to

members who enlist in the armed services on or after July 1, 1998 under a program continued

or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective-

use of special recruiting incentives involving not

more than 10 percent of the funds appro-

ved in advance by the Secretary of De-

fense: Provided further, That this subsection applies only to active components of the

SEC. 8011. Notwithstanding any other pro-

vision of law, none of the funds made avail-

able by this Act shall be used by the Depart-

ment of Defense to furnish the 50

United States, its territories, and the Dis-

Trichomes, Columbia, 125,000 civilian workers: Provided, That workyears shall be applied as
defined in section 2208 of title 10, United

States Code: Provided further, That workyears expended in

dependent student hiring programs for dis-

advantaged youths shall not be included in this

work year limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional ac-

tions on any legislation or appropriation mat-

ers pending before the Congress.

SEC. 8013. (a) None of the funds appro-

priated by this Act shall be used to make

payments under section 3015(d) of title 38, United

States Code, for any member of the armed

services who, on or after the date of the

enactment of this Act, enlists in the armed

services for a period of active duty of less

than 3 years, nor shall any amounts repre-

senting the normal cost of such future ben-

efits be transferred from the Fund by the

Secretary of the Treasury or by the Secretary of Veterans Affairs pursuant to section

10 of title 10, United States Code, nor shall the Secretary of Veterans Affairs pay

the benefits to any such member: Provided, That

these limitations shall not apply to members in combat arms skills or to

members who enlist in the armed services on or after July 1, 1998 under a program continued

or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective-

use of special recruiting incentives involving not

more than 10 percent of the funds appro-

ved in advance by the Secretary of De-

fense: Provided further, That this subsection applies only to active components of the

SEC. 8010. (a) During fiscal year 2001, the ci-

vilian personnel of the Department of

Defense may not be managed on the basis of

any end-strength, and the management of

such personnel during that fiscal year shall

not be subject to any constraint or limita-

tion (known as an end-strength) on the num-

ber of such personnel who may be employed

on the last day of such fiscal year.

(b) The fiscal year 2002 budget request for the Department of Defense as well as all jus-
tification material relating to the 2002 budget supporting the fiscal year 2002 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this section were effective with regard to fiscal year 2002.

(c) Nothing in this section shall be con-

strued to apply to military (civilian) techni-

icians.

SEC. 8001. Upon the determination by the

Secretary of Defense that such action is nec-

essary in the national interest, he may, with

the approval of the Office of Management and

Budget, transfer not to exceed $2,000,000,000 of working capital funds of the

Department of Defense or funds made available to the Department of De-

fense for military functions (except military

construction) between such appropriations or

funds or any subdivision thereof, to be

merged with and be available for the same

purposes, and for the same time period, as

the appropriation or fund to which trans-

ferred: Provided, That such authority to trans-

fer is exercised unless upon request of any

priority items, based on unforeseen military

requirements, than those for which originally

appropriated and in no case where the item

is otherwise authorized in this Act, approved by the Congress: Provided further, That the Secretary of Defense shall notify the

Congress promptly of all transfers made pursuant to his authority or any other au-

tority in this Act: Provided further, That

no part of the funds in this Act shall be avail-

able to prepare or present a request to the

Committee on Appropriations for re-

programming of funds, unless for higher

priority items, based on unforeseen military

requirements, than those for which originally

appropriated and in no case where the item

is otherwise authorized in this Act: Provided further, That

provided further

Transfer of Funds...
allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense, shall be available to the Secretary or his or her designee for the purchase of a new or used United States military installation in the United States if the aggregate cost of the
components which are substantially manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components purchased or manufactured outside the United States: Provided further, that when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, as amended, that this subsection applies only to active components of the Army.

SEC. 8015. Funds appropriated in title III of this Act for the development of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program that is substantially similar. This subsection shall not apply to such transfers of funds in any prior Act of Congress:

SEC. 8016. None of the funds in this Act shall be transferred to any other appropriation contained in this Act or any prior Act of Congress:

SEC. 8017. None of the funds appropriated by this Act shall be used for reimbursement of any health care provider for inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred, unless the facility is running a medical or health care facility accredited by a qualified nonprofit agency for other severely handicapped individuals in accordance with subsection (c) of section 1079 of title 10, United States Code, as amended, and for which

SEC. 8018. Funds available in this Act may be used to provide transportation for the purpose of preventing the return of

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense, by executive order, may purchase or lease any property, including facilities or services, from any person, without regard to the provisions of section 6323(b) of title 5, United States Code, if:

SEC. 8020. None of the funds available to the Army in this Act may be used to reduce or disestablish the operation of any unit or function of the Army.

SEC. 8021. None of the funds appropriated by this Act shall be available to the Secretary of the Army for the purpose of reducing the establishment of any unit of the Army.

SEC. 8022. No more than $500,000 of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the Academy of the Army Reserve, the Weather Reconnaissance Squadron of the Air Force Reserve, or any other unit, activity or function of the Department of Defense.

SEC. 8023. During the current fiscal year, funds appropriated or otherwise available for any activity of the Department of Defense, including the execution of the transferred funds to the Secretary of the Army for the purpose of reducing the establishment of any unit of the Army, shall be available for the purposes of:

SEC. 8024. None of the funds appropriated by this Act shall be available to purchase for an acquisition by the Army, that will be subject to current law, during the current fiscal year, the Secretary of the Army shall not reduce or disestablish the operation of any unit or function of the Department of Defense.

SEC. 8025. Funds appropriated by this Act may be used to provide transportation for the purpose of

SEC. 8026. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense, by executive order, may purchase or lease any property, including facilities or services, from any person, without regard to the provisions of section 6323(b) of title 5, United States Code, if:

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the Academy of the Army Reserve, the Weather Reconnaissance Squadron of the Air Force Reserve, or any other unit, activity or function of the Department of Defense.

SEC. 8028. No more than $500,000 of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the Academy of the Army Reserve, the Weather Reconnaissance Squadron of the Air Force Reserve, or any other unit, activity or function of the Department of Defense.
military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be used to avoid the use of the excusable subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped. (c) In this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8029. During the current fiscal year, net receipts pursuant to collections from third parties pursuant to section 109 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collection and shall be over and above the facility's direct budget amount.

SEC. 8030. During the current fiscal year, the Department of Defense is authorized to incur appropriations or other funds for purposes specified in section 2503(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriate account for which contributions were received.

SEC. 8031. Of the funds made available in this Act, not less than $21,417,000 shall be available for the Civil Air Patrol Corporation, of which $19,417,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities with the purpose of supporting an effective Air Force counterdrug program: Provided, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8032. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other organizations.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visitor Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a director of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection who is employed in and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2001 shall be used for the purchase of defense FFRDCs: Provided, That the specific amount referred to in paragraph (2)(A) of section 109 of title 10, United States Code, may be funded for the defense studies and analysis FFRDCs.

(d) The Secretary shall, with the submission of the department's fiscal year 2002 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8033. None of the funds appropriated or made available in this Act shall be used to purchase for use in any Government-owned facility or property under the control of the Department of Defense unmelted or unrolled steel plate for use in any Government-owned facility or property under the control of the Department of Defense or rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of Defense responsible for the procurement may waive this restriction on a case-by-case basis allowing the use of steel plate in support of the national security mission: Provided further, That such specification shall be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts entered into as of the date of the enactment of this Act.

SEC. 8034. For the purposes of this Act, the term "congressional committee," means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Appropriations of the House of Representatives, and the Sub-committee on Defense of the Committee on Appropriations of the Senate.

SEC. 8035. During the current fiscal year, the Department of Defense may acquire the capability to design, develop, and construct new systems for national security purposes: Provided, That none of the funds made available in this Act are available for the purchase of an investment item unit cost of not more than $10,000.

SEC. 8036. (a)(1) If the Secretary of Defense submits a report which shows that the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002 and all departmental expenditures to be made using funds transferred from this account during fiscal year 2001, is less than the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal year 2001 and all departmental expenditures to be made using funds transferred from this account during fiscal year 2001, is less than the total amount of the account, the Congress under section 1105 of title 31, United States Code, shall separately indicate the dollar value of the funds made available for expenditure under this section which may be transferred or obligated.

(b) The Secretary shall, during the current fiscal year, submit a report to the Congress containing the information described in subsection (a)(2) of that Act: Provided, That none of the funds made available in this Act are available for the purchase of defense Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002 and all departmental expenditures to be made using funds transferred from this account during fiscal year 2001, is less than the total amount of the account, the Congress under section 1105 of title 31, United States Code, shall separately indicate the dollar value of the funds made available for expenditure under this section which may be transferred or obligated.

(c) Provided further, That purchases made under this section, if any, shall not be made prior to the submission of the Congressional Budget Request for the FY 2001 Defense budget, and the budget for the President's 2002 Defense budget.

SEC. 8037. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of an energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8038. Amounts deposited during the current fiscal year to the special account established under section 2667(d)(2)(A) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under section 2667(d)(2)(A) of title 10, United States Code, shall be available until expended for the payments specified by section 2921(c)(2) of that Act: Provided, That none of the funds made available in this Act are available for the purchase of defense Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal year 2001 and all departmental expenditures to be made using funds transferred from this account during fiscal year 2001, is less than the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002 and all departmental expenditures to be made using funds transferred from this account during fiscal year 2001, is less than the total amount of the account, the Congress under section 1105 of title 31, United States Code, shall separately indicate the dollar value of the funds made available for expenditure under this section which may be transferred or obligated.

SEC. 8039. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of an energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8040. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8041. During the current fiscal year, none of the funds made available in this Act are available for the purchase of defense Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2001 and 2002 and all departmental expenditures to be made using funds transferred from this account during fiscal year 2001, is less than the total amount of the account, the Congress under section 1105 of title 31, United States Code, shall separately indicate the dollar value of the funds made available for expenditure under this section which may be transferred or obligated.

SEC. 8042. Of the funds appropriated or otherwise made available by this Act, not more than $111,200,000 shall be available for payment of the operational costs of NATO Headquarters: Provided, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in the former Yugoslavia.

SEC. 8043. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance of Department of Defense owned, operated, or used vehicles, equipment, and facilities, may be used to purchase or lease any item or unit cost of not more than $100,000.
SEC. 8044. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase or acquisition of any new item or for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers outside the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal years 1994 and if the purchase of an item or investment in a new item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in the United States, and that the person is not a citizen of the United States, the Secretary shall determine, in accordance with section 210 of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided for in subsection 1459(g)(2), it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products. American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8050. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an untapped area which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to investigate a problem in such an area that a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than $25,000,000 for procurement of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8051. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to use the services of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that—

(1) the Secretary of Defense, or the Secretary of a military department, determines that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department;

(2) the waiver is not applicable to field operating agencies funded within the National Intelligence Program; and

(3) the funds appropriated for intelligence activities through this Act are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 401) during fiscal year 2001 until the enactment of the Intelligence Authorization Act for Fiscal Year 2001.

SEC. 8052. Funds appropriated by this Act, or made available in any other Act, for the purpose of funds available under title 10, United States Code, for intelligence or counterintelligence support to unified and specified commands, and the component commands.

SEC. 8053. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, and for personnel other than personnel pursuant to 10 U.S.C. 267(f), for commercial, industrial or other purposes: Provided, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

SEC. 8054. Of the funds provided in Defense Acts, the following funds are designated as rescissions:

(a) None of the funds appropriated in this Act may be transferred to or obligated for the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $300,000,000.

(b) None of the funds available in this Act may be used to acquire a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers outside the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal years 1994 and 1995.

(c) None of the funds available in this Act may be used by the National Security Agency unless the National Security Agency certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the National Security Agency facilities at Fort Meade, Maryland, will not exceed $300,000,000.

SEC. 8055. Of the funds appropriated in this Act that are not chargeable to the Department of Defense Working Capital Funds, none shall be used to purchase equipment or materials which are not capable of meeting cost and schedule performance, or which are not capable of being produced and delivered on a timely basis.
year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriation law. (b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8061. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings and equipment may be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with funds available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8062. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin except as specifically provided in law.

SEC. 8063. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-relief project. (CONGRESSIONAL RECORD Ð SENATE)

SEC. 8064. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, except as specifically provided in law.

SEC. 8065. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this Act or any other Act.

SEC. 8066. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performance as a part in a defense program as defined in section 38(b)(d)(5) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in the State or area of not less than 27 percent of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purposes of such program, individuals who are residents of such State and who, in the case of any city or town in which unemployment is particularly high, may be required to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8067. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: Provided, That none of the funds made available to the Secretary of Defense for the current fiscal year may be obligates or expended to transfer Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8068. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds made available to the Department of Defense for the current fiscal year may be obligates or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement activities authorized under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

SEC. 8069. ADMISSION TO AGENCY.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide replacement.

SEC. 8070. To carry out the authority of this section, the Secretary of Defense may enter into a loan guarantee agreement with the United States as the lender and a foreign government as the borrower for any purpose, including activities related to defense and non-defense purposes, including activities related to defense and non-defense purposes not otherwise authorized under any other provision of law, for a period of time as the appropriations to which transferred, to be used in support of such personnel in connection with support and servicing of eligible foreign activities outside the Department of Defense, pursuant to section 2012 of title 10, United States Code.

SEC. 8071. (a) None of the funds appropriated in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent reserve for unexpended balance shall apply to the total amount of the appropriation.

(b) The Secretary of Defense shall enter into an arrangement with the United States Department of the Treasury to provide for the transfer of funds from the Department of Treasury to the Department of Defense for the purposes described in section 2012 of title 10, United States Code, as necessary to ensure that the funds made available to the Department of Defense for the purposes described in section 2012 of title 10, United States Code, are utilized for the purposes described in such section.

(c) The Secretary of Defense may appropriate for the same purposes as any subdivison under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent reserve for unexpended balance shall apply to the total amount of the appropriation.

SEC. 8072. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended for drug interdiction or counter-drug activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8073. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the 1 percent reserve for unexpended balance shall apply to the total amount of the appropriation.

SEC. 8074. During the current fiscal year, in the case of an appropriation for a program under the authority of chapter VI or chapter VII of the United States Code, which has closed under the provisions of section 2012 of title 10, United States Code, the funds for the purposes described in such section may be used for any purpose for which the period of availability for obligation has expired or which has closed under the provisions of section 2012 of title 10, United States Code, and which has a negative unliquidated or unexpired balance, an obligation or an adjustment of an obligation may be charged to such appropriation for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and servicing of eligible foreign activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8075. During the current fiscal year, in the case of an appropriation for a program under the authority of the Secretary of the Navy for drug interdiction and counter-drug activities, the funds made available under this section may be transferred to other appropriations or funds of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 2012 of title 10, United States Code, and which has a negative unliquidated or unexpired balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same time period as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account at the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly charged to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation account of the Department of Defense under the provisions of section 1552(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended, or any other appropriation account.

That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpired balance, an obligation or adjustment of an obligation may be charged to a current account under the authority of this section shall be reversed and...
recording against the expired account: Provided further, that the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total amount charged to that account.

(TRANSFER OF FUNDS)

SEC. 8076. Upon the enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts specified shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred, and that the amounts shall be transferred between the following appropriations in the amount specified:


SSN-21 attack submarine program, $74,000,000;


For SSN-21 development, $74,000,000.

SEC. 8077. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2001, a detailed report identifying, by amount and project, excess funds that the budget accounts of the Army, Navy, Air Force, and Defense-Wide, shall be available to defray the costs associated with reimbursable project, program, subprogram, and activity, any activity for which the fiscal year 2001, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

Aircraft Procurement, Army, $7,000,000;

Missile Procurement, Army, $6,000,000;

Procurement of Ammunition, tracked Combat Vehicles, Army, $7,000,000;

Procurement of Ammunition, Army, $5,000,000;

Other Procurement, Army, $16,000,000;

Aircraft Procurement, Navy, $24,125,000;

Weapons Procurement, Navy, $3,053,000;

Procurement of Ammunition, Navy and Marine Corps, $44,717,000;

Shipbuilding and Conversion, Navy, $19,644,000;

Other Procurement, Navy, $32,032,000;

Procurement, Marine Corps, $3,623,000;

Aircraft Procurement, Air Force, $32,743,000;

Missile Procurement, Air Force, $5,500,000;

Procurement of Ammunition, Air Force, $1,252,000;

Other Procurement, Air Force, $13,902,000;

Procurement, Defense-Wide, $6,683,000;

Chemical Agents and Munitions Destruction, Air Force, $1,103,000;

Defender Health Program, $908,000;

Research, Development, Test and Evaluation, Army, $20,392,000;

Research, Development, Test and Evaluation, Navy, $20,127,000;

Research, Development, Test and Evaluation, Air Force, $53,467,000; and

section 8079. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officials and civilian officials of foreign nations if the Secretary determines that such reimbursable activities in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8080. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Secretary of Defense, or the Secretary of the Army, shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under this subsection, for all purposes, unless funds are available for such purposes without fiscal year limitation.

SEC. 8081. Using funds available by this Act or any other Act, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, pursuant to a determination under section 2600 of title 10, United States Code, may implement cost-effective agreements for facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense Establishment: Provided further, that at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal sources, if such facilities are included for the consideration of the United States coal as an energy source.

SEC. 8082. Notwithstanding 31 U.S.C. 9902, during the first two fiscal years of the fiscal year under which this Act is enacted, funds in appropriations for regional security cooperation programs are waived for the procurement of defense items identified in sections 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for other purchasers.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into on or after the date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 130(b) of the Tariff Act of 1930, as most recently amended.

SEC. 8083. Of the funds provided in the Department of Defense Appropriations Act, 1999 (Public Law 105-269, 133,368,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

Aircraft Procurement, Army, $7,000,000;

Missile Procurement, Army, $6,000,000;

Procurement of Ammunition, tracked Combat Vehicles, Army, $7,000,000;

Procurement of Ammunition, Army, $5,000,000;

Other Procurement, Army, $16,000,000;

Aircraft Procurement, Navy, $24,125,000;

Weapons Procurement, Navy, $3,053,000;

Procurement of Ammunition, Navy and Marine Corps, $44,717,000;

Shipbuilding and Conversion, Navy, $19,644,000;

Other Procurement, Navy, $32,032,000;

Procurement, Marine Corps, $3,623,000;

Aircraft Procurement, Air Force, $32,743,000;

Missile Procurement, Air Force, $5,500,000;

Procurement of Ammunition, Air Force, $1,252,000;

Other Procurement, Air Force, $13,902,000;

Procurement, Defense-Wide, $6,683,000;

Chemical Agents and Munitions Destruction, Air Force, $1,103,000;

Defender Health Program, $908,000;

Research, Development, Test and Evaluation, Army, $20,392,000;

Research, Development, Test and Evaluation, Navy, $20,127,000;

Research, Development, Test and Evaluation, Air Force, $53,467,000; and

section 8084. The budget of the President for fiscal year 2002 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity data as shown in "activities" in all appropriation accounts provided in this Act, as may be necessary to, separately identify all costs incurred by the Department of Defense, regional or local military services, inter-treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress pursuant to the Department of Defense appropriations for fiscal year 2002, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.

SEC. 8085. The Secretary of Defense may, on a case-by-case basis, waive, with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would interfere with the application of a cooperative venture or grant into the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items, or proclaims that a country does not discriminate against the same or similar defense items produced in the United States for other purchasers.

SEC. 8086. Funds made available by the Civil Air Patrol Corporation in the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug renaissance missions for Federal, State, and local government agencies, and local government agencies' administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: Provided, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

SEC. 8087. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 2000, may be extended for 2 years: Provided, That any such extension may not extend past the date on which the Secretary of Defense determines that it is in the best interest of the Government: Provided further, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractors and the Government: Provided further, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect as of September 30, 2000, may include a base contract period for transition and up to seven years option periods.

SEC. 8088. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall provide that prior to conducting any training program referred to in subsection (a), full consideration is given to all

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credible information available to the Department of State relating to human rights violations by foreign security forces. 

(c) Waiver.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Report.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the Committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and training provided pursuant to the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8095. None of the funds appropriated in this Act shall be used for the purpose of conducting official Department of Defense business, provided further, That the case management program shall provide that the case including 18 attrition reserve aircraft, during fiscal year 2001, provided further, That the Secretary of Defense shall include in the Air Force Budget for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8096. None of the funds appropriated in this Act shall be used for the purpose of conducting official Department of Defense business, provided further, That the case management program shall provide that the case including 18 attrition reserve aircraft, during fiscal year 2001, provided further, That the Secretary of Defense shall include in the Air Force Budget for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8097. None of the funds appropriated in this Act shall be used for the purpose of conducting official Department of Defense business, provided further, That the case management program shall provide that the case including 18 attrition reserve aircraft, during fiscal year 2001, provided further, That the Secretary of Defense shall include in the Air Force Budget for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8098. None of the funds appropriated in this Act shall be used for the purpose of conducting official Department of Defense business, provided further, That the case management program shall provide that the case including 18 attrition reserve aircraft, during fiscal year 2001, provided further, That the Secretary of Defense shall include in the Air Force Budget for fiscal year 2002 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8099. None of the funds provided in this Act may be used to transfer any nonappropriated funds available to the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are not limited to: (1) rendered incapable of use by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacturer pursuant to an export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8100. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that would otherwise be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year, if the property is located in more than one State and the lease is for a period not in excess of 1 year and the primary obligor for payment of all or part of the consideration is a federal agency located in more than one State and the lease is for a period not in excess of 1 year.

SEC. 8101. Notwithstanding any other provision of this Act, the budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel, Navy, Marine Corps, and Air Force funds.

SEC. 8103. None of the funds appropriated under the heading "Operation and Maintenance, Air Force" in this Act shall be used to support the military installation is located in more than one State.
shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependent children enrolled: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8104. During the current fiscal year, under regulations prescribed by the Secretary of the Army, the Chief of the Army National Guard and Armed Forces Reserve Command for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance: Provided, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel: Provided further, That the report shall specify the counts of the training programs conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8105. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health-related facilities providing services to Native Hawaiians for the purpose of establishing agreements similar to the Alaska Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health care service providers consistent with Executive Order No. 13084, issued May 14, 1998, with Native Hawaiians who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii. (b) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health-related facilities providing services to Native Hawaiians who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8106. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for construction activities in the Republic of Serbia (excluding the province of Kosovo) as long as the Special Prosecutor for War Crimes remains in office, and the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8110. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, $85,940,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of the Army and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8111. The Secretary of Defense shall use funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide”, up to $5,000,000 as other Native Americans who are eligible for health care services provided by the Indian Health Service.

SEC. 8112. Funds available to the Department of the Army and the Secretary of the Navy may be used to lease not more than a total of 10 aircraft for utility and operational support purposes on such terms and conditions as the Secretary of the Army and the Secretary of the Navy may deem appropriate, consistent with this section.

SEC. 8102. That notwithstanding any other provision of law, the Secretary of the Army and the Secretary of the Navy may include terms and conditions in lease agreements that are consistent with OMB Circular A±11.

SEC. 8103. That the term “Indian tribe” means any recognized Indian tribe on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103±454; 108 Stat. 4792; 25 U.S.C. 479a±1).

SEC. 8107. That not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: Provided further, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department’s planning, programming and budgeting process: Provided further, That not later than March 1, 2001, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: Provided further, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department’s planning, programming and budgeting process.

SEC. 8113. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Defense-Wide”, $115,000,000 shall be available for Zachary Taylor Army and Air National Guard bases in the states of Minnesota and New York: Provided further, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities within this Act: Provided further, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities within this Act: Provided further, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities within this Act: Provided further, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities within this Act: Provided further, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities within this Act: Provided further, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities within this Act.
SEC. 8117. Up to $3,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available for the repair and maintenance, and operation of adjacent off-base water, drainage, and flood control systems critical to base operations.

SEC. 8118. Of the funds made available under the heading "Operation and Maintenance, Air Force", not less than $7,000,000 shall be made available by grant or otherwise, to the Borough of Iqaluit, for the purpose of assisting that Borough to provide assistance for health care, monitoring and related issues associated with research conducted from 1955 to 1957 by the former Arctic Aeromedical Laboratory.

SEC. 8120. None of the funds appropriated in this Act under the heading "Overseas Contingency Operations Transfer Fund" may be transferred or obligated for expenses not directly related to the conduct of overseas contingencies: Provided, That the Secretary of Defense shall submit a report no later than thirty days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the "Overseas Contingency Operations Transfer Fund": Provided further, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8121. In addition to amounts made available under this Act, $200,000,000 is hereby appropriated to the Department of Defense to be available for payment to members of the uniformed services for reimbursement for mandatory pet quarantines as authorized by law.

SEC. 8122. The Secretary of the Navy may transfer from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary ship cost changes for previous ship construction programs: Provided, That the Secretary may transfer no more than $300,000,000 under the authority provided within this section: Provided further, That the funds shall be available for the same time period as the appropriation from which transferred: Provided further, That the Secretary may not transfer any funding until 30 days after the proposed transfer has been reported to the House and Senate Committees on Appropriations: Provided further, That the transfer authority provided within this section shall not apply to any other transfer authority contained elsewhere in this Act.

SEC. 8123. In addition to amounts appropriated elsewhere in the Act, $2,100,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of Defense shall make a grant in the amount of $2,100,000 to the Chicago Park District for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8124. In addition to amounts appropriated elsewhere in this Act, $5,000,000 is hereby appropriated to the Department of Defense: Provided, That the Secretary of the Army shall make available a grant of $5,000,000 only to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8125. In addition to the amounts provided elsewhere in this Act, the amount of $10,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to accelerate the disposal and scrapping of ships of the Navy Inactive Fleet and Maritime Administration National Defense Reserve Fleet: Provided, That the Secretary of the Navy and the Secretary of Defense shall report to the congressional defense committees no later than June 1, 2001 regarding the total number of vessels currently designated for scrapping, and the schedule and costs for scrapping these vessels.

This Act may be referred to as the "Department of Defense Appropriations Act, 2001".

GRASSLEY AMENDMENT NO. 3279

Mr. GRASSLEY proposed an amendment to the bill, H. R. 4576, supra; as follows:

At the appropriate place, insert the following:

SEC. ____. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of Public Law 104-208; 110 Stat. 3009-111, 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2001.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance be authorized to meet during the session of the Senate on Thursday, June 8, 2000, to conduct a hearing on multilateral development institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONs

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing in the Dirksen Senate Office Building, room 226, to conduct an oversight hearing. The subcommittee will receive testimony on the Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. SNOWE. Mr. President, I ask unanimous consent to grant floor privileges to two defense legislative fellows in my office, J enifer Ogilvie and Sam Horton, for the duration of our consideration of S. 2549, the National Defense Authorization Act.

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 8, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will 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 PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on National parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 8, at 10:00 a.m. to conduct a hearing on Forest and Public lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. FEINGOLD. Mr. President, I ask unanimous consent that the following members of my staff be granted privileges of the floor during consideration of the DOD authorization: Bob Schilt, Bob Dauster, Sumner Slichter, Kitty Thomas, Mary Ann Richardson, and Mary Murphy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the following staff of the Senate Appropriations Committee be granted privileges of the floor during the consideration of H.R. 4576 and S. 2593, the FY 2001 Defense Appropriation Bill: Tom Hawkins, Bob Henke, Susan Hogan, Lesley Kalan, Mazie Mattson, Gary Reece, Candice Rogers, Craig Siracuse, Justin Weddle, Brian Wilson, John Young, Sonja King, and Cathy Wilson.

THE HARRY S TRUMAN FEDERAL BUILDING

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed with the consideration of H.R. 3639, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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."

There being no objection, the Senate proceeded to consider the bill.

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a farmer, Army captain, Senator, and President of the United States who founded the United Nations, launched the Marshall plan, and forged the North Atlantic Treaty Organization (NATO). As an original cosponsor of the bill to name the Federal building at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building," I am pleased that my colleagues from both sides of the aisle and in both Houses have unanimously agreed to adopt this measure.

Fifty-five years ago, President Truman challenged Democrats and Republicans in his Four Point Speech to join together and lend their full support to international organizations; continue programs for world economic recovery; join with other free peoples in the defense of democracy; and draw on our country's vast storehouse of technical expertise to help people overseas help themselves in the fight against ignorance, illness, and despair. President Truman envisioned "that what happens beyond our shores determines how we live in our own lives," and the American people agreed. He exemplified the very best of what we need in our elected officials.

The United States is extremely fortunate to have had such a man be its Chief Executive in a time of two wars, where he presided over the fall of Germany, the ultimate surrender of Japan, and the preservation of South Korea. It is only appropriate for us to honor a man who made the United States a major force in world affairs by working with all the world for freedom and democracy. I look forward to seeing this legislation passed. As President of the Senate, Mr. President, I rise today to join with other free peoples in the dedication of the building which bears his name, and to lend my full support to the democratic revolution that took place in Eastern Europe.

Mr. BIDEN. Mr. President, I rise today to urge the Senate to adopt this measure to name the State Department's headquarters after one of the great leaders of the twentieth century—President Harry S. Truman.

Harry Truman symbolized the path that this country took during the "American Century"—moving from a small community in the American midwest, to the center of the world stage, where he helped rebuild a devastated Europe and contain Communism.

Harry Truman might have stayed on his farm in Independence, Missouri, but World War II intervened and he found himself in Europe as a captain in the Field Artillery. The man whose poor eyesight had kept him out of West Point, was a hero on the battlefields of France. When he returned to Independence—and the beautiful Bess Wallace—his reputation as a leader in battle led to his election as county judge in 1922. In 1935 he was elected Senator from Missouri, and in 1945, he became President upon the death of Franklin Roosevelt.

Truman's mother once said of him: "(It) was on the farm that Harry got his common sense. He didn't get it in school. It was this common sense—a hard-eyed pragmatism, really—that made him a great President. Having fought through the First World War in Europe, he was able to understand the ruin that faced Europe after the Second World War. This led to his support of the brilliant plan of his Secretary of State, George Marshall, who rebuilt Europe. It is not an exaggeration to say that our European allies own the peace and prosperity that they have enjoyed for the last two generations to Truman and Marshall.

It was also this hard-eyed pragmatism that gave Truman a clear view of the Communist threat that came on the heels of World War II. He laid out the Truman Doctrine—"that the policy of the United States is to support free people who are resisting overcome in order to preserve their independence." He acted upon the Truman Doctrine in 1949, when he provided $400 million to fight the spread of Communism in Greece and Turkey. In 1949, he joined with Europe to form the alliance that contained the Soviet Union for nearly 50 years—NATO. And, although we were weary of war in 1950, he sent American forces to defend South Korea from incursions by the Communists of North Korea.

Harry Truman's foreign policy decisions were shaped by his respect for the rule of law, the desire to build international institutions, and his commitment to the freedom. Truman's commitment was reflected in articles 51 of the North Atlantic Treaty Organization article 5 of the United Nations Charter. This legislation adopted, and giving President Truman the recognition he deserves for his tireless efforts to bring peace.

Mr. ASHCROFT. Mr. President, it is my great privilege to speak on the passage of H.R. 3639 as I am the sponsor of the Senate's companion bill, S. 2416. This bill will name the State Department's headquarters at 2201 C Street in Washington, DC, the "Harry S Truman Federal Building." First, I would like to thank the citizens of Missouri, who have been incredibly helpful in seeing this proposal through. Furthermore, I would like to thank the Honorable Secretary of State, Madeleine Albright, for her unqualified support and cooperation for honoring President Harry Truman befittingly here in this manner.

Today I enjoy the privilege, granted to me by the citizens of Missouri, of occupying the Senate seat formerly held by Harry S Truman. Truman left this seat in January 1945 to become Vice President, and by April of that year assumed the office of President of the United States in the wake of President Franklin Delano Roosevelt's death. The day after becoming President, Truman told a group of reporters that "boys, if you ever pray, pray for me now ... I feel like the moon, the stars, and all the planets have fallen on me."

As the new President, Harry Truman inherited a world of unprecedented destruction and a destructive war in human history still raging on in Europe and Asia; and Truman, the only chief executive in this century who did not enjoy a university education, faced a most crucial role in bringing the war to a close and constructing a viable international system in the postwar. Truman's strong personal integrity and vast common sense were forged in the small towns of western Missouri, brilliantly succeeded.

This bill will name the building that housed our Nation's Department of State—the agency responsible for international relations—in honor of Missouri's favorite son and one of our country's greatest statesmen. This is benefiting, for it was the decisions made by President Truman in the realm of foreign policy that made his Presidency one of the most monumental and influential in our country's history.
President Harry S Truman realized that economic recovery of war torn areas would be itself, set the free world from Communist aggression. Therefore, President Truman spearheaded the creation of the North Atlantic Treaty Organization, one of the most successful military alliances of all time and the cornerstone of Western Europe’s defense for the past five decades. Europe was not the only place where President Truman took a stand for freedom and democracy in the face of totalitarianism. When Communist North Korea blatantly invaded South Korea in 1950, only Truman’s quick action, and continued resolve, made possible South Korea’s escape from the control of North Korea’s totalitarian regime. Throughout the world, in Northern Iran, Berlin, China, and the Eastern Mediterranean, Truman’s strong and wise leadership, grounded in a small town Missouri sense of right and wrong, heroically guided the United States through some of its most dangerous years. In addition to his commitment to fight Communist aggression, the institutions created during the Truman years—such as the United States Air Force, the Department of Defense, the National Security Council, the Central Intelligence Agency—eventually ensured victory in the cold war, and enhanced the United States strength in the years after. Indeed, by the time he told Truman in 1950 that “...you, more than any other man, have saved Western Civilization.”

The bill (H.R. 1953) was read the third time and passed.

ORDER FOR ADJOURNMENT
Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order following the remarks that will be made by Senator GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
GORTON TO GORE: "WELCOME TO EASTERN WASHINGTON!"

Mr. GORTON. Mr. President, the citizens of eastern Washington will experience a rare occurrence this week: Al Gore will visit there for the first time since he was re-elected Vice President almost a year ago. I would like to welcome all of the people of eastern Washington to that beautiful part of Washington, and hope that he takes the opportunity to listen to the concerns of as many people as he can.

If he had come a week earlier, he could have added his name at any one of the seven stops I made in eastern Washington, so that he could hear about the primary concern of citizens—the proposed removal of dams by the Clinton/Gore administration. On the other hand, knowing how eastern Washington citizens feel about hydro-electric dams, it is not a surprise that he would choose to stay away.

But let me urge the citizens of eastern Washington to take a good look around this week, because the Gore administration intends to do on the Hanford site rather than listen is a preview of how a Gore administration will deal with local citizens on a whole host of issues in the future.

The issue of the Snake River dams, however, is another matter. I expect that while Al Gore is in eastern Washington, much as with his previous visits to Seattle and Portland, he will refuse honestly to reveal his position about whether he believes tearing down the Snake River dams is necessary to save salmon.

Equivocating on an issue that will affect the lives of hundreds of thousands of people, cost billions of dollars, and have minimal if any impact on salmon survival, is another example of Washington, D.C., decision making which will be set aside as a national monument.

The Corps of Engineers was prepared to recommend, rightly, that the benefits are too few, and that the dams should be left in place. But high-ranking officials within the Clinton-Gore administration directed the Corps’ recommendation be suppressed.

The Corps of Engineers was prepared to recommend, rightly, that the benefits are too few, and that the dams should be left in place. But high-ranking officials within the Clinton-Gore administration directed the Corps’ recommendation be suppressed.

AL GORE owes the people of the Northwest an explanation. We deserve to know why the Clinton/Gore administration hid this important recommendation from thousands of Northwest citizens who spent the better part of four out of the last five months writing comments, attending public meetings, and speaking out on the dams.

AL GORE apparently agrees with the National Marine Fisheries Service that, despite the expenditure of $20 million and five years of study so far by the Corps, any decision on the dams should be postponed for five years, and that a “trigger” should be set, based upon the arbitrary performance standards set by unelected bureaucrats, that will require that the dams be breached if these standards are not met to their satisfaction.

The fisheries service hasn’t even published its biological opinion, which was due two months ago. How can we trust that delaying a decision five years or the imposition of arbitrary performance standards won’t also be moved to meet the Gore agenda to take out the dams? We can’t.

Another subject I’ll bet the Vice President will ignore is the amazing return of salmon to the Columbia and Snake river system last fall and this spring. It was reported last week that 189,000—a record number—of spring chinook salmon have passed through the Bonneville Dam already. Will he be willing to declare victory and move on? Of course not.

So, I hope that the Vice President enjoys his most recent trip to Washington. I ask him to listen to local people in eastern Washington about the Hanford Reach with or more open mind than Bruce Babbitt did three weeks ago.

And I ask him to take a firm position on the dams now—to practice what he preaches and not to play politics with the lives of eastern Washington citizens.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:41 p.m., adjourned until Friday, June 9, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 8, 2000:

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

John Train, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003, vice Scott B. Lukins, term expired.

UNITED STATES INSTITUTE OF PEACE

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001, vice W. Scott Thompson, term expired.

THE JUDICIARY

John S. W. Lim, of Hawaii, to be United States District Judge for the District of Hawaii, vice Alan C. Kay, retired.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida vice W. Scott Thompson, term expired.

UNITED STATES INSTITUTE OF PEACE BOARD

John Train, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001, vice W. Scott Thompson, term expired.

James A. Daley, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis and to Saint Lucia.
James Charles Riley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment)

Marc Lincoln Marks, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment)
EXTENSIONS OF REMARKS

TRIBUTE TO THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE ASSOCIATION'S CONGRESSIONAL CHARTER

HON. STEVE BUYER OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. BUYER. Mr. Speaker, it is with a great deal of professional pleasure and personal pride that I rise today to honor an organization that I have long admired and respected. The organization of which I speak is our neighbor just across First Street, the Reserve Officers Association of the United States, though it is perhaps best known simply by its initials—ROA.

The association was organized in 1922, at the instigation of General of the Armies John J. Pershing, who was then serving as the Army’s Chief of Staff. Like many others who served in uniform in World War I, General Pershing was convinced that the war could have been significantly shortened or avoided altogether if an adequate pool of trained officers had existed at the time. Taking his sentiments to heart, 140 Reserve Officers met at Washington’s Willard Hotel and organized the Reserve Officers Association. It was largely through the dedicated efforts of that voluntary organization and its members that the United States established its Officer Reserve Corps, which was to supply the great majority of America’s trained officers in the days leading up to World War II.

It is appropriate and salutary for all of us here to recall that these first ROA members were citizen-soldiers who clearly saw the approaching storm clouds. They pushed the nation toward an unprecedented level of pre-war preparedness that arguably saved lives and formed the very foundations of the great victories of democracy that were to follow.

With the end of the war, ROA resumed its normal operations, raising and maintaining the nation’s awareness of the role and contributions of its military forces in the uneasy post-war world. It was in these tense days, in June 1950, that the Congress granted ROA the formal charter that established the association’s object and purpose. That formulation was clear and direct, unambiguous and unequivocal: ROA was “to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof.”

For 50 years, ROA has followed that guidance, and taken the lead in rigorously advancing a strong and viable national defense posture for our nation. ROA has worked to support concepts that have strengthened our nation’s ability to preserve our freedom and to advance our national interests across the world. It worked to revitalize and fund the Selective Service System in support of our Cold War allies, and focus the weight of public opinion in favor of our national commitment during the Gulf War, and expanding NATO. It has played a major role in persuading the Congress to provide more than $15 billion in critically needed equipment for our nation’s Reserve components.

In addition, ROA has also clearly understood that not all ideas are good ideas. It successfully opposed efforts to combine the Army Reserve and National Guard, and to disestablish the Coast Guard, and Air Force Reserves, as well as the Selective Service System and the commissioned officer corps of the National Oceanic and Atmospheric Administration.

Mr. Speaker, ROA has, for the past 78 years, proven itself to be a strong and articulate voice in the Halls of Congress and the corridors of government for all our service members. It has lived up to its charter and supported the cause of national defense in seasons when it has not been popular to do so. It has established an enviable reputation for nonpartisan expertise and even-handed advocacy, a reputation that has grown and flourished through the changing defense issues that have become ever more complex in these days of the Total Force Policy.

ROA enjoys the confidence of the Congress and of the Department of Defense. Its successful legislative efforts have made it a valued partner in the formulation and development of the annual defense bills and in building broad, bipartisan support for our men and women in uniform. Over the years I have learned that serious debate on any issue dealing with our Reserve forces is not complete until we have heard from ROA. As the number of members of Congress with personal military experience has declined, the importance of ROA’s contribution to developing our military policy has increased exponentially. ROA has played and will continue to play a crucial role in shaping the debate over the appropriate roles and missions of our Armed Forces.

The nation is most fortunate to have such an asset to call upon. We should all be grateful. Congratulations to the Reserve Officers Association of the United States on the fiftieth anniversary of the granting of its congressional charter.

IN SPECIAL RECOGNITION OF JONATHAN ANDERSON ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. ASA HUTCHINSON OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. HUTCHINSON. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Arkansas’ Third Congressional District. I am happy to announce that Jonathan Anderson of Bentonville, Arkansas, has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Jonathan is an outstanding student who brings a special mix of leadership, service and dedication to the incoming class of Air Force cadets. While attending Bentonville High School, Jonathan has maintained a grade point average of 3.7, which has placed him on the honor roll for four years. Jonathan is a member of the National Honor Society and has been named to Who’s Who Among American High School Students.

Outside of the classroom, Jonathan has distinguished himself as an excellent student leader. He has repeatedly lettered in the Bentonville High School Band and was the 1999 Murray Band Field Commander. He is a member of the Jazz Band, Chamber Choir, A Cappella Choir and the cross country team. In addition, Jonathan is a member of the Civil Air Force Patrol and with great pride he has advanced quickly through the ranks. He has received countless awards and honors through his involvement with the Civil Air Patrol.

Mr. Speaker, Jonathan’s childhood dream to attend the United States Air Force Academy and become an Air Force pilot is with great pleasure that I congratulate him on completing the first step in his long journey.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Jonathan Anderson. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Jonathan will do very well during his career at the Air Force Academy, and I wish him the very best in all of his future endeavors.

A CALL TO PASS THE HATE CRIMES PROTECTION ACT

HON. CONSTANCE A. MORELLA OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mrs. MORELLA. Mr. Speaker, two years ago today the conscience of the nation was shaken by the cruel and brutal murder of a black man, James Byrd, by white racists, and there were renewed calls for Congress to pass the Hate Crimes Prevention Act.

The murder four months later of Matthew Shepard because of his sexual orientation had a similar impact on the public. Since then, Jews, Asians, blacks, women and homosexuals have been attacked in well-publicized, widely condemned acts in Illinois, California,
Pennsylvania, and even my own state of Maryland, and in a number of other jurisdictions around the country, solely because of who they are.

Those who argue that the apprehension and prosecution of the perpetrators in the high profile cases of Byrd and Shepard obviates the need for HCPA have failed to appreciate the assistance which HCPA would provide to local law enforcement. For example, because of the federal jurisdiction granted in the race-based Byrd case, Jasper authorities were able to access nearly $300,000 of federal grant money to help bring those killers to justice. In contrast, while the authorities in Laramie, Wyoming, faced similar challenges in the investigation and prosecution in the murder of Matthew Shepard, they were unable to access any federal money. Unfortunately, because sexual orientation is not currently covered under federal law, the Laramie law enforcement officials were forced to forgo five law enforcement employees to help cover the cost of bringing those killers to justice.

While murder is the most prominent example of hate violence, other Americans continue to be brutalized, beaten, harassed, hazed, and vandaled simply because of who they are. No one in our great land should have to be concerned for their safety solely because of their race, gender, sexual orientation, or religious belief. HCPA will strengthen law enforcement efforts to ensure that hate-motivated crimes are investigated and prosecuted. We should pass it this year.

HONORING MR. DAVID ASHDOWN, RECIPIENT OF THE TIME WARNER CABLE NATIONAL TEACHER AWARD

HON. JOHN E. SWEENEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. SWEENEY. Mr. Speaker, I rise today to honor Mr. David Ashdown, an outstanding young teacher who has been named a recipient of this year’s Time Warner Cable National Teacher Award. Mr. Ashdown teaches fourth grade at Cambridge Elementary School in Upstate New York. His award-winning entry, entitled Save the Coelacanth, engaged his fourth grade students’ creative abilities through a multimedia presentation on oceans and ocean life.

David Ashdown has dedicated the last three years to upholding the hopes and dreams of hundreds of children in his classroom. He is known as the “technical and computer expert” throughout his school district. Mr. Ashdown used Time Warner’s Road Runner high speed modem and service to create Save the Coelacanth. Each student in Mr. Ashdown’s class wrote and illustrated their own web-page of the story about the endangered coelacanth fish. The pages were all linked together and form an exciting underwater adventure with multiple outcomes.

I commend Mr. Ashdown’s innovative approach to teaching. He has made learning fun and exciting in his classroom. His students learn through hands on experience in a technology-filled, yet relaxed and friendly atmosphere. I salute Mr. Ashdown’s efforts to provide a rich, intellectually stimulating environment in which children learn the vital skills required to be successful in our society.

I also recognize the valuable work Mr. Ashdown does for his school district and for other teachers around this nation. He has dedicated himself to teaching professional development courses to other educators in an attempt to incorporate multimedia technology into more New York classrooms. His upcoming book, HyperStudio Made Very Easy, is designed to help teachers incorporate multimedia into their everyday teaching plans. His dedication is admirable, as is his desire to see students succeed.

Mr. Speaker, please join me in congratulating David Ashdown on his receipt of the Time Warner Cable National Teacher Award. Also, please join me in wishing him and his students the very best of luck in all their future endeavors.

WELL DESERVED RECOGNITION FOR NANCY KAUFMAN

HON. BARNEY FRANK
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased—but not at all surprised—to learn that on June 7, the Jewish Community Relations Council of Greater Boston will be honoring Nancy Kaufman, who has for ten years now been the Executive Director of that important and well run organization. Nancy Kaufman personifies the best in the Jewish tradition, and she is also an outstanding example of the spirit of community caring that is so important in America. Under her leadership, the JCRC has played an extremely significant role in a number of aspects of both the Jewish community and the Greater Boston community at large. We are very lucky that she has chosen to dedicate her very considerable talents to the service of others. Her first rate intelligence, her high energy level, her compassion, her wonderful ability to work others and to get the best from them—these combined make her an extraordinary leader of an extraordinary organization.

I have personally benefited innumerable times from her advice and I have been proud to work with her on a number of important issues. Few people I know have worked harder, more consistently, or with more effect to make the world that they live in a better place.

TRIBUTE TO THE EVANGELICAL UNITED CHURCH OF CHRIST

HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize the Evangelical United Church of Christ in Godfrey, Ill. They recently celebrated their 150th anniversary.

The celebration was marked with a service, a dinner, and a program, along with a display of memories set up in the church. It was a great time for the congregation to celebrate where they have been and where they are going.

I would like to take this opportunity to encourage them and thank them for their many years of ministry. I wish the church continued growth and another 150 years of service.

HONORING THE BLOCH CANCER FOUNDATION

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. MOORE. Mr. Speaker, today I honor a family and a foundation that have changed the lives of thousands of cancer patients in our country—Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation.

In 1978, Richard Bloch was told he had terminal lung cancer and that he had 3 months to live. He refused to accept this prognosis, and after two years of aggressive therapy, he was told he was cured.

Since Richard’s bout with cancer, he and his wife Annette have devoted their lives to helping other cancer patients. Richard, one of America’s best known businessmen, sold his interest in H&R Block, Inc. and retired from the company in 1982 to be able to devote all of his efforts to fighting cancer.

The Bloch Cancer Foundation, which is fully supported financially by the Bloch family, is fueled by over a thousand volunteers—other cancer survivors and supporters who share the vision of Richard and Annette Bloch, such as:

Doctors who have shared their time, knowledge and expertise;

Home volunteers who call newly diagnosed cancer patients and place the metaphorical arm around a shoulder. These home volunteers guide new patients through their apprehension and fears so they can face their destiny with confidence;

Computer specialists who have developed the web sites so patients and survivors can seek help over the Internet;

Volunteers who give their time on a weekly basis to answer phones and e-mail and form the backbone of an organization committed to cancer patients;

The professionals and volunteers of the Bloch Cancer Support Center;

Those who help develop Cancer Survivors Parks;

Volunteers who helped to mail more than 98,000 books that were requested by cancer patients;

The Board of Directors who help Dick and Annette develop and implement the programs of the foundation;

I have also submitted a June 4, 2000, article from the Kansas City Star that further details the work of Richard and Annette for cancer patients in Kansas City.

Mr. Speaker, on June 4 we celebrated the 15th anniversary of Cancer Survivor’s Day, an event that was started by the Blochs in Kansas City and is now celebrated in over 700 communities throughout the United States. June 4th also marks the 20th anniversary of the Cancer Hot Line, which has received more than 125,000 calls from newly diagnosed cancer patients since its inception in 1980.

I encourage my colleagues to join me as I honor Richard and Annette Bloch and the volunteers of the R.A. Bloch Cancer Foundation.
for twenty years of steadfast commitment to cancer patients and survivors.

[From the Kansas City Star, June 4, 2000]

CANCER SURVIVORS CELEBRATE ANOTHER YEAR OF LIFE
(By Oscar Avila)

On the weekend of KCI, hundreds gathered Sunday at the Richard and Annette Bloch Cancer Survivors Park to mark other anniversaries.

Cancer survivors marked personal milestones at the Celebration of Life rally. Survivors were telling how many years they had survived. Participants and their families also marked the rally’s 15th anniversary and the park’s 10th year.

But survivors and participants agreed that they don’t need traditional milestones to celebrate victories over cancer.

“Every day is a celebration,” said Maria Eades of Kansas City, North, who was diagnosed with breast cancer nine years ago. “I wake up every morning and say, ‘Thank you, God, for another day.’”

Jas Oldham, a television reporter who is receiving treatment for a brain tumor, said, “Every day is a good day.”

The Blochs created the park at 47th Street and Roanoke Parkway to offer support for cancer patients and to promote awareness of the disease. Because of the family’s efforts, the first Sunday in June is now celebrated throughout the country as National Cancer Survivors Day.

The park’s walkway was lined with booths manned by people from cancer support groups, research institutions. Participants reunited with friends and introduced themselves to new ones.

Several participants said they are convinced that this sort of emotional support can give their health a boost. Others hoped awareness of early detection and treatment would help prevent future cancer cases.

“If only one life can be saved by coming to this park and coming to this rally, then all of this is worthwhile,” Annette Bloch said.

Guest speaker Buck O’Neil, a former player and manager with the Kansas City Monarchs of the Negro Leagues, reminded the crowd that not everyone survives the disease. O’Neil lost his wife, Ora, to cancer in 1997.

O’Neil’s words, however, were in line with the rally’s hopeful tone. He said his wife’s struggle brought them two closer. Other speakers also shared promising news. The Blochs recently finished their 15th survivors park, in Jacksonville, Fla. And participants also hailed recent announcements that Health Midwest and St. Luke’s-Shawnee Mission Health System would open a comprehensive cancer center.

O’Neil said survivors should view the future with hope, not fear.

“You’ve just begun,” he said. “God gave you another chance. That’s what he did. Use it.”

TRIBUTE TO MOLLY HOULE

HON. JOHN SHIMKUS
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Molly Houle for her courage to fight juvenile rheumatoid arthritis.

Molly is a 6-year-old girl from Bluford, IL, who was diagnosed with the disability last June.

The disability has caused Molly many problems from getting out of bed to a lack of concentration at school. Despite the pain, she is drawing attention to her disability by being featured in the WSIL’s 15th annual Arthritis Foundation Telethon.

I wish Molly the best as she draws attention to the problems of juvenile rheumatoid arthritis. Living with this disability is not easy, but I know her example will be an encouragement to all.

HONORING BALL STATE PRESIDENT JOHN E. WORTHEN—A GREAT EDUCATOR

HON. DAVID M. McINTOSH
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, June 7, 2000

Mr. McINTOSH. Mr. Speaker, today I honor a leader in education in Indiana and the nation. In the heart of my district in East Central Indiana lies Ball State University, one of the premier institutions of higher education in the Midwest. For the last sixteen years Ball State has been under the capable guidance of University President John E. Worthen. Sadly, he is leaving the university this year.

Mr. Speaker, greatness is setting bold goals and then having the determination to accomplish them. John Worthen brought vision and greatness when he came to the university in 1984 and has spent the last sixteen years putting his vision into practice. Ball State, Indiana, and the nation are the better for his efforts. At the start of his administration, President Worthen focused on broad goals. He aimed for excellence in all things. The university has reached beyond its grasp to accomplish his vision. His plan was anchored in the premise that learning should be a lifelong pursuit. Under his leadership, Ball State’s central mission has been to arm students with the skills, knowledge, and enthusiasm to continue learning even after they leave the university.

John Worthen always looked to the future of education, not its past. He viewed technology as a fundamental component of that mission, and he directed Ball State’s resources toward acquiring that technology. Ball State established courses and workshops to train faculty and staff to use the new technologies and started the Center for Teaching Technology to help faculty use this new tool to enhance their instruction. During the past ten years, Ball State has spent eighty million dollars on renovations that have added computer labs, put Internet access in every residence hall room, and wired every classroom to an interactive fiber-optic multimedia network. The university now has a student-to-computer ratio of thirteen-to-one, one of the lowest in the country. This year Yahoo! Internet Life magazine ranked Ball State among the top twenty in its annual survey of “most wired” universities. These technological capabilities have made Ball State a national leader in distance education. The Indiana Higher Education Telecommunication System has enabled Indiana students to take advanced placement courses—courses they would otherwise not have access to—that are broadcast from Ball State.

Indiana Academy for Educally Gifted and talented students. Ball State offers an M.B.A. by distance education and offers nurses the opportunity to complete degree programs online.

President Worthen’s education and training gave him a solid background for the challenge of running a university. A Middletown, he earned a bachelor of science degree in psychology at Northwestern University in 1954 and received his master’s degree in student
In 1979, he became president of Indiana University in Pennsylvania. Ball State University invited him to become its eleventh president in 1984.

Although technology has been a major focus, John Worthen’s presidency has been an attack on many fronts. His was not an administration of timid initiatives. The university reorganized the school year from academic quarters to semesters; a move that allowed students to involve themselves more deeply in a subject and that saved the university thousands of dollars in administrative costs each year. Some realignment of instruction reflected common disciplines. For example, Journalism, Telecommunications, Speech Communication, and Communication and Information Studies combined to form a new college, the College of Communication, Information, and Media. By 1997, Ball State was the fourth largest college of its kind in the county.

John Worthen has applied the university’s resources to statewide issues. Under his leadership, Ball State has moved to make education “at home in Indiana” more attractive to top ability students who wish to stay in the state and build their careers and lives elsewhere. New scholarships aimed at those students have increased the university’s enrollment of National Merit Scholars and increased Honors College enrollments. For the past three years he and I have worked together to create a job on Ball State’s campus to offset recent factory closings in the area. This year’s event attracted seven hundred job seekers. Three hundred received job offers as a direct result of the event. Ball State really stepped up to the plate and made a determined effort to see the Muncie community really step up to the plate and make a difference in the life of the Muncie community.

In 1987, Ball State launched Wings for the Future, its first capital campaign. The goal was to raise forty million dollars. The campaign collected $44 million and created three endowed chairs and fourteen professorships. The university is now in the middle of another campaign that appears headed for the same success with a goal of ninety million dollars. One-third will go for faculty research, one-third for scholarships, and one-third for facilities. During John Worthen’s presidency, Ball State’s endowment went from twelve million dollars to eighty-five million dollars.

Ball State researchers were there when the space shuttle Columbia landed in June 1996, conducting research on the effects of gravity in space on the astronaut’s muscles. Other noteworthy research efforts have targeted nutrition among the elderly in Indiana, the decline in frog populations worldwide, tick-borne disease, and cancer prevention. While research has an important role in education, John Worthen made sure that Ball State’s best teachers are still in the classroom. Ball State professors have won state and national recognition in teaching, including the 1997 Indiana Professor of the Year, national teaching awards, and honors for research, architecture, music, theater performance, history, and public relations, to name just a few. Many academic programs at Ball State have received national recognition. The music engineering technology program has been ranked first in the nation, and the entrepreneurship program ranks fourth. Ball State has taken the lead in environmental awareness. The university has established an international conference on environmental education and practices. The conference draws hundreds of scholars from around the world. The Center for Information and Communication Sciences, created in 1985, teaches students to design and set up networking systems, an area in desperate need of trained workers.

Ball State athletics have achieved recognition on the field and in the classroom. Men’s basketball made the NCAA Sweet Sixteen in 1990, the men’s volleyball team has been in the NCAA finals fourteen times, and women’s field hockey went undefeated in conference play for five consecutive years. But the most impressive achievement was Ball State’s student-athlete graduation rate, at 77 percent, the seventh best rate in the country.

President Worthen has solidified and expanded Ball State’s international ties with study centers abroad and teaching exchanges with various international universities. The Chronicle of Higher Education ranks Ball State among the top doctoral granting institutions for students studying abroad.

Since 1984, the university has built five new facilities, including a state-of-the-art telecommunications building, a new home for the Human Performance Laboratory, an arena, and a new alumni center. All of these improvements and additions have been accomplished with the intent of making Ball State accessible for people with disabilities.

In closing, I cannot forget to mention Sue. The most complete and best preserved Tyrannosaurus Rex skeleton ever found was named after its discoverer, Sue Hendrickson. This spring, using people, technology and programs that were the direct outcome of John Worthen’s policies, Ball State dazzled the nation by bringing Sue’s debut at Chicago’s Field Museum of Natural History to an estimated five million school children nationwide. Ball State uses its technology to connect people and ideas in meaningful ways. That is what technology is meant to do, and Ball State certainly has got it right. They were able to get it right because of John Worthen’s vision and follow-through. He leaves behind a university well prepared to face the challenges and pursue the possibilities of the twenty-first century.

Mr. Speaker, I have been honored to work alongside John Worthen. I will miss the benefit of his counsel and wisdom. I wish he and his wife Sandra much happiness as they move on to new challenges.

FRIENDS OF THE SMYRNA LIBRARY

HON. BOB BARR
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Mr. BARR of Georgia. Mr. Speaker, it is my distinct honor today, as a resident of Smyrna, Georgia, to recognize an exceptional organization that has just recently celebrated its tenth anniversary. On April 10, 1990, eight concerned citizens of Cobb County met and formed The Friends of the Smyrna Library. During its first four years, the group grew very slowly until 1994, when the president—Mrs. Lillie Wood—was elected, and she immediately began a search for new members. Under her leadership, The Friends of the Smyrna Library has grown to over 400 members, and is now one of the largest library support groups in Georgia.

The Friends of the Library are very active. They coordinate art exhibits for library galleries; schedule exhibits of collectibles and sculpture for display; host an annual dinner theater; conduct two book sales yearly; hold quarterly speaker programs; recruit library volunteers; and sponsor a monthly book discussion program.

In addition to everything else it does, the Friends publishes a quarterly news letter, The Library Link, which features library news, book reviews, a guide to suggested reading, and articles by library friends and staff. Under the editorship of Clare Isanhour, The Library Link has been recognized as one of the most attractive and professionally produced library publications in Georgia.

The Friends have donated over $40,000 to the library for the purchase of new materials, and the members have donated thousands of hours of time to the library as volunteers. This enables the library to provide a much higher level of service to the public than would otherwise have been possible.

I join my fellow citizens of Smyrna, Georgia, in paying tribute to the public service provided by The Friends of the Smyrna Library and its outstanding president.

125TH ANNIVERSARY OF THE TEMPLE SHOMER EMUNIM

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 7, 2000

Ms. KAPTUR. Mr. Speaker, I am very pleased to recognize the 125th anniversary of the Temple Shomer Emunim in Sylvania Ohio. The congregation commemorated this auspicious occasion in special services and celebration on June 2 and 3, 2000.

In 1870, there were about 30 Jewish families in Toledo, Ohio, most of whom were Orthodox. A small number of these families sought a more liberal practice of their faith and organized a Reform congregation. Those early services were held in homes and conducted by visiting rabbis. The band of families practicing in the Reform movement formally established a Temple in 1875 and the congregation was dedicated as Shomer Emunim-Guardian of the Faithful. This name was suggested by Rabbi Isaac Wise, founder of America’s Reform Judaism and is taken from Isaiah 26:2: “Open ye gates that there shall be a righteous nation-guardian of the faithful . . . .”

In those first years, the congregation worshiped in a small church rented from a Christian congregation. In 1879, it was decided the grand sum of $12,500.00 would be raised in order to build their own sanctuary. With Toledo’s Jewish population at the time settled in a
For a century and a quarter, the Temple Shomer Emunim has been a fixture of life in Toledo’s Jewish community, and our community as a whole. It has been a place to develop spiritual well-being and personal growth, and strengthen the bonds of family and faith. Its rabbis and members have stood as leaders among us, and have provided both guidance and wise counsel. As we reflect on more than a century of growth from its humble inception to its current prominence, we look forward to the future of Temple Shomer Emunim. Mazel Tov!

RECOGNIZING THE IMPORTANCE OF “TEACHERS ON AN AGRISCIENCE BUS” IN FURTHERING AGRICULTURAL EDUCATION IN DuPAGE COUNTY, ILLINOIS JUNE 7, 2000

HON. JUDY BIGGERT OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Wednesday, June 7, 2000

Mrs. BIGGERT. Mr. Speaker, it is no secret that agriculture is of primary importance to the economy of the State of Illinois. Our more than 76,000 farms cover about 80 percent of Illinois land and agricultural output more than $9 billion annually for our economy.

While rows of corn have turned into rows of homes in DuPage County, my home county, we have not forgotten the importance of agriculture.

For the past ten years, the “Teachers on an Agriscience Bus” program has provided the youth of Illinois with current, up-to-date, technological information in the importance of agriculture in their everyday lives and of the vast array of career opportunities available to them in the agriculture industry.

When the first “Teachers on an Agriscience Bus” was first sponsored by the Illinois Pork Producers Association in 1991, who could have predicted that it would be so enthusiastically received that nearly 400 teachers, school administrators, and counselors would participate? Those 400 individuals, in turn, provided an estimated 45,000 elementary through high school students with new experiences and background in the field of today’s agriculture.

Mr. Speaker, although Illinois’ food and fiber industry employs nearly one million people, the number of farm operators has dropped from 164,000 in 1959 to 76,000 today. And most farmers in Illinois are more than 50 years old.

Who will take their place? The “Teachers on an Agriscience Bus” program hopes to answer that question. By making suburban children aware of the numerous opportunities available to them in agriculture and by making them more aware of the field in general, the program helps ensure that our country’s agriculture economy remains strong.

As the “Teachers on an Agriscience Bus” program celebrates its tenth year in existence, we should recognize its foresight and contributions to agriculture education and we should renew our emphasis on agriculture education among our nation’s educators and youth.

Agriculture was and is the backbone of our country’s economy. Programs such as “Teachers on an Agriscience Bus” will help keep it that way. And for that, we should be thankful.

WELLTON-MOHAWK TRANSFER ACT

SPEECH OF
HON. BOB STUMP OF ARIZONA IN THE HOUSE OF REPRESENTATIVES Tuesday, June 6, 2000

Mr. STUMP. Mr. Speaker, I rise today in support of S. 356, the Wellton-Mohawk Transfer Act.

Mr. Speaker, S. 356 would transfer the title of the Gila Project from the Bureau of Reclamation to the Wellton-Mohawk Irrigation District. This legislation directs the Secretary of the Interior to convey certain facilities of the Gila Project in Arizona to the Wellton-Mohawk Irrigation and Drainage District. The Secretary will convey the facilities under the terms of a Memorandum of Agreement between the Bureau of Reclamation and the District dated July 10, 1998.

Mr. Speaker, the Gila Project began in 1936, with the first drop of water made available on the Gila Gravity Main Canal on November 4, 1943. Construction of the Wellton-Mohawk Division was started in August 1949, and the first delivery of Colorado River water on Wellton Mohawk fields was made on May 1, 1952. Throughout the years, the Wellton-Mohawk Irrigation District has clearly demonstrated their commitment to the Gila Project and the current operation of the Gila Project will not change with the final passage of this legislation.

Mr. Speaker, S. 356 is an excellent bill because it demonstrates Congress’ commitment to moving title transfer legislation and Congress’ commitment to defederalizing Bureau of Reclamation projects. I would like to commend the hard work of my Arizona colleagues, as well as Chairman Doolittle, and particularly the Wellton-Mohawk Irrigation District and the Bureau of Reclamation on this important bill.

Mr. Speaker, I support full passage of S. 356.

TRIBUTE TO MIKE McCLURE

HON. JOHN SHIMKUS OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to honor Mike McClure of Mt. Vernon, IL for his long and distinguished teaching and coaching career. After 34 years as a coach at Okawville High School, Rend Lake College, and Woodlawn High School, Mike is retiring.

As a teacher myself, I would like to thank Mike for his commitment to shape the lives of the students he has coached and taught. Through his guidance and wisdom he has had a positive impact on the lives of many.

I wish Mike the best in his retirement. He is a legend who I know will continue to influence all those he comes in contact with.

TRIBUTE TO THE WYSE TEAM OF METRO-EAST LUTHERAN HIGH SCHOOL

HON. JOHN SHIMKUS OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Wednesday, June 7, 2000

Mr. SHIMKUS. Mr. Speaker, I rise before you today to recognize the Worldwide Youth in Science and Engineering [WYSE] team from Metro-East Lutheran High School in Edwardsville, IL. The students on the team placed on the state level for the first time ever.

As a former teacher myself at Metro-East Lutheran High School, I am proud of their accomplishments. Their commitment to doing their best and academic achievement deserves our acknowledgment.

I also would like to take this opportunity to recognize WYSE coach, Ms. Chrystal Boerger. This was her last year, as she is leaving to pursue her master’s degree. It takes coaches and teachers like her to give students the opportunity to learn and grow.
**Thursday, June 8, 2000**

### Daily Digest

#### Senate

**Chamber Action**

**Routine Proceedings, pages S4721–S4911**

**Measures Introduced:** Seventeen bills and one resolution were introduced, as follows: S. 2693–2709, and S.J. Res. 48.

**Measures Reported:** Reports were made as follows:

- S. 2406, to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

**Measures Passed:**

- **Harry S Truman Federal Building:** H.R. 3639, to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquartered for the Department of State, as the “Harry S Truman Federal Building”, clearing the measure for the President.

- **Indian Land:** H.R. 2484, to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States, clearing the measure for the President.

- **Indian Land:** H.R. 1953, to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guindville Band of Pomo Indians of the Guindville Indian Rancheria, clearing the measure for the President.

- **National Defense Authorization:** Senate continued consideration of S. 2549, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto:

  **Adopted:**
  - Wellstone Amendment No. 3264, to require the Secretary of Health and Human Services to report to Congress on the extent and severity of child poverty.
  - Warner (for Snowe/Kennedy) Amendment No. 3216, to ensure that obligations to make payments under the CVN–69 contract for a fiscal year after fiscal year 2001 is subject to the availability of appropriations.
  - Warner Amendment No. 3217, to repeal authorities to delay pay days at the end of fiscal year 2000.
  - Levin (for Robb) Amendment No. 3218, to require a report on the Defense Travel System and to limit the use of funds for the system.
  - Warner/Robb Amendment No. 3219, to modify authority to carry out a fiscal year 1990 military construction project relating to Portsmouth Naval Hospital, Virginia.
  - Warner Amendment No. 3220, to authorize the payment of $7,975 for a fine for environmental permit violations at Fort Sam Houston, Texas.
  - Levin Amendment No. 3221, to strike section 344, relating to a modification of authority for indemnification of transferees of closing defense property.
  - Warner Amendment No. 3222, to make certain technical corrections.
  - Warner Amendment No. 3223, to provide for future-years nuclear security plan.
  - Warner Amendment No. 3224, to strike certain provisions relating to interim storage activities.
  - Warner Amendment No. 3225, of a technical nature.

  **Levin (for Cleland) Amendment No. 3226, to enhance and improve educational assistance under the Montgomery GI Bill in order to enhance recruitment and retention of members of the Armed Forces.**

  **Levin (for Kennedy) Amendment No. 3227, to strike section 553(c) which repeals authority regarding grants and contracts to uncooperative institutions of higher education.**
Warner (for McCain) Amendment No. 3228, to amend titles 10 and 38, United States Code, to strengthen the financial security of families of uniformed services personnel in cases of loss of family members.

Warner (for McCain) Amendment No. 3229, to provide an additional increase in military basic pay for enlisted members of the uniformed services in pay grades E–5, E–6, or E–7.

Warner (for Grams) Amendment No. 3230, to improve benefits for members of the reserve components of the Armed Forces and their dependents.

Levin (for Bingaman) Amendment No. 3231, to authorize the President to award gold and silver medals on behalf of the Congress to the Navajo Code Talkers, in recognition of their contributions to the Nation.

Warner (for Lott) Amendment No. 3232, to revise the fee structure for residents of the Armed Forces Retirement Home.

Levin (for Kennedy) Amendment No. 3233, to request the President to advance the late Rear Admiral Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II; and to express the sense of Congress regarding the professional performance of Admiral Kimmel and Lieutenant General Short.

Levin (for Biden/Roth) Amendment No. 3234, to require reports on the spare parts and repair parts program of the Air Force for the C–5 aircraft.

Warner (for Roberts) Amendment No. 3235, to authorize a land conveyance at Fort Riley, Kansas.

Levin (for Lieberman) Amendment No. 3236, to clarify the authority of the director of a laboratory to manage personnel under an existing authority to conduct a personnel demonstration project.

Warner (for Roberts) Amendment No. 3237, to authorize, with an offset, an additional $1,500,000 for the Air Force for research, development, test, and evaluation on weathering and corrosion on aircraft surfaces and parts (PE62102F).

Levin (for Conrad) Amendment No. 3238, to state the sense of the Senate on maintaining an effective strategic nuclear TRIAD.

Warner (for Nickles) Amendment No. 3239, to require the designation of each government-owned, government-operated ammunition plant of the Army as Centers of Industrial and Technical Excellence.

Levin (for Lieberman) Amendment No. 3240, to establish a commission to assess the future of the United States aerospace industry and to make recommendations for actions by the Federal Government.

Warner (for Gramm) Amendment No. 3241, to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

Levin (for Feinstein) Amendment No. 3242, to modify authority for the use of certain Navy property by the Oxnard Harbor District, Port Hueneme, California.

Warner (for Thurmond) Amendment No. 3243, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older.

Levin (for Bingaman) Amendment No. 3244, to eliminate an inequity in the applicability of early retirement eligibility requirements to military reserve technicians.

Warner (for Stevens) Amendment No. 3245, to provide space-required eligibility for travel on aircraft of the Armed Forces to places of inactive-duty training by members of the reserve components who reside outside the continental United States.

Levin (for Bingaman) Amendment No. 3246, to provide additional benefits and protections for personnel incurring injury, illness, or disease in the performance of funeral honors duty.

Warner (for Smith-OR) Amendment No. 3247, to require a study of the advisability of increasing the grade authorized for the Vice Chief of the National Guard Bureau to Lieutenant General.

Levin (for Cleland) Amendment No. 3248, to exempt commanders of certain Air Force specified combatant commands from a limitation on the number of general officers while general or flag officers of other armed forces are serving as commander of certain unified combatant commands.

Warner (for Bond) Amendment No. 3249, to increase the end strengths authorized for full-time manning of the Army National Guard of the United States.

Warner (for Thompson) Amendment No. 3250, to provide compensation and benefits to Department of...
Energy employees and contractor employees for exposure to beryllium, radiation, and other toxic substances.

Levin Amendment No. 3251, to conform standards of judicial review of actions relating to selection boards; and to make a technical correction.

McCain Amendment No. 3214 (to Amendment No. 3210), to require the disclosure of expenditures and contributions by certain political organizations.

Rejected: Daschle Amendment No. 3273, to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage (By 51 yeas to 48 nays (Vote No. 121), Senate tabled the Amendment.)

Pending:
Smith (of NH) Modified Amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd Amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

During consideration of this measure today, the Senate also took the following action:
By 42 yeas to 57 nays (Vote No. 122), Senate failed to sustain a point of order against McCain Amendment No. 3210, listed above, as being in violation of the United States Constitution.

A unanimous-consent agreement was reached providing for further amendments to be proposed to the bill.

Defense Appropriations: Senate began consideration of H.R. 4576, making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and taking action on the following amendments proposed thereto:
Adopted:
Stevens/Inouye Amendment No. 3278, in the nature of a substitute.
Pending:
Grassley Amendment No. 3279, to require the Department of Defense to match certain disbursements with obligations prior to payment.

A unanimous-consent agreement was reached providing for further consideration of the bill and pending amendment on Friday, June 9, 2000, with a vote to occur on the pending amendment.

Messages From the President: Senate received the following message from the President of the United States:
A message from the President of the United States, transmitting, pursuant to law, a report of the National Science Board entitled “Science and Engineering Indicators—2000”; to the Committee on Commerce, Science, and Transportation. (PM–112)

Nominations Received: Senate received the following nominations:
John Train, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003.
Holly J. Burkhallter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.
John S. W. Lim, of Hawaii, to be United States District Judge for the District of Hawaii.
Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida vice a new position created by Public Law 106–113, approved November 29, 1999.
James A. Daley, of Massachusetts, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis and to Saint Lucia.
James Charles Riley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment)
Marc Lincoln Marks, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term of six years expiring August 30, 2006. (Reappointment)

Messages From the President:

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Communications:

Statements on Introduced Bills:

Additional Cosponsors:

Amendments Submitted:

Authority for Committees:

Additional Statements:

Privileges of the Floor:
Record Votes: Two record votes were taken today. (Total—122)

Recess: Senate convened at 9:30 a.m., and recessed at 7:41 p.m., until 9:30 a.m., on Friday, June 9, 2000. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4909.)

Committee Meetings

(Committees not listed did not meet)

MULTILATERAL DEVELOPMENT INSTITUTIONS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance concluded hearings to examine the operations of the World Bank and the need for reform of the Bank and development programs, after receiving testimony from Allan H. Meltzer, Carnegie Mellon University Graduate School of Industrial Administration, and James B. Burnham, Duquesne University Donahue Graduate School of Business, both of Pittsburgh, Pennsylvania; C. Fred Bergsten, Institute for International Economics, Washington, D.C.; and Adam Lerrick, International Financial Institution Advisory Commission, Barrytown, New York.

PUBLIC LAND MANAGEMENT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on H.R. 359, to clarify the intent of Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law, H.R. 468, to establish the Saint Helena Island National Scenic Area, H.R. 1680, to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest, S. 1817, to validate a conveyance of certain lands located in Carlton County, Minnesota, and to provide for the compensation of certain original heirs, S. 1972, to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park, and S. 2111, to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation, after receiving testimony from Senator Allard; Representative Kildee; Jack Craven, Director of Lands, United States Forest Service, Department of Agriculture; Willie Davis, KATY 101.3 FM, Englewood, California; Marianne Mate, Park Planning Committee, Dolores, Colorado; Michael A. Francis, Wilderness Society, Washington, D.C.; and Steve Brougher, Wilderness Watch, Central Sierra Chapter, Sonora, California.

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded oversight hearings 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 concerning the solicitation, awards, and administration of concession contracts use in units of the National Park System, and to determine the extent to which the final rule complies with the intent of the concessions law, after receiving testimony from Denis Galvin, Deputy Director, National Park Service, Department of the Interior.

KOSOVO

Committee on Foreign Relations: Subcommittee on European Affairs concluded hearings to examine the current situation in Kosovo one year after the NATO air campaign expelled Yugoslav President Milosevic’s security forces from the area, and the progress being made to reinvigorate the society and foster democracy, after receiving testimony from James W. Pardew, Jr. Principal Deputy Adviser to the President and Secretary of State on Democracy in the Balkans; and Morton I. Abramowitz, International Crisis Group, former Assistant Secretary of State for Intelligence and Research, Paul R. Williams, American University Washington College of Law, and Janusz Bugajski, Center for Strategic and International Studies, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 2406, to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

Also, Committee approved resolutions for issuance of subpoenas to Attorney General Reno for documents related to Elian Gonzalez, and for the personal appearance of Stephen Mansfield on June 13, 2000, pursuant to Rule 26.

GENDER-BASED WAGE DISCRIMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the Bureau of Labor Statistics report which provides a full picture of the gender-based wage gap, the reasons for these gaps and the impact this discrimination has on women and families, and the effectiveness of current
laws and proposed legislative solutions, and S. 74, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, after receiving testimony from Katharine G. Abraham, Commissioner, Bureau of Labor Statistic, Department of Labor; June O'Neill, City University of New York Baruch College Center for the Study of Business and Government, New York, New York; and Heidi I. Hartmann, George Washington University, on behalf of the Institute for Women's Policy Research, Anita U. Hattiangadi, Employment Policy Foundation, Gail S. Shaffer, Business and Professional Women/USA, Barbara Berish Brown, Paul, Hasting, Janofsky and Walker, and Judith C. Appelbaum, National Women's Law Center, all of Washington, D.C.

NATIONAL COMMISSION ON TERRORISM

Select Committee on Intelligence: Committee concluded hearings on the conclusions and recommendations of the National Commission on Terrorism regarding intelligence information collection, technology and institutional practices needed to disseminate information effectively, cyber terrorism, and the role of the intelligence community to protect the United States against terrorism, after receiving testimony from Ambassador L. Paul Bremer, III, Chairman, Maurice Sonnenberg, Vice Chairman, R. James Woolsey, Commissioner, Jane Harman, Commissioner, and Juliette N. Kayyem, Commissioner, all of the National Commission on Terrorism.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 4600–4616; 3 private bills, H.R. 4617–4619; and 4 resolutions, H.J. Res. 100–101 and H. Con. Res. 349–350, were introduced. Pages H4119–21

Reports Filed: Reports were filed today as follows:

H.R. 3292, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, amended (H. Rept. 106–659);

Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2001 (H. Rept. 106–660); and

Conference report on S. 761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces (H. Rept. 106–661). Pages H4115–18, H4119

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Shimkus to act as Speaker pro tempore for today. Page H4043

Guest Chaplain: the prayer was offered by the guest Chaplain, Rev. James Scherer of Greensboro, North Carolina. Page H4043

Journal: Agreed to the Speaker’s approval of the Journal of Wednesday, June 7 by yea and nay vote of 363 yea to 45 nays with 5 voting “present”, Roll No. 246. Pages H4043–44

Official Photo of the House of Representatives: Pursuant to H. Res. 407, the official photograph of the House in session was taken. Page H4044

Recess: The House recessed at 10:29 a.m. and reconvened at 10:30 a.m. The House recessed at 10:53 a.m. and reconvened at 10:52 a.m. Page H4044

Board of Visitors to the United States Military Academy: The Chair announced the Speaker’s appointment of Representative Rodriguez to the Board of Visitors to the United States Military Academy. Page H4054

Presidential Message—Science and Engineering Indicators: Read a message from the President wherein he transmitted the National Science Board report entitled, “Science and Engineering Indicators—2000”—referred to the Committee on Science. Pages H4054–55

Recess: The House recessed at 3:30 p.m. and reconvened at 3:45 p.m. Page H4077

Labor, HHS, and Education Appropriations: The House completed general debate and began considering amendments to H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001. Pages H4055–77, H4087–H4106, H4107

Rejected:

Bass amendment no. 6 printed in the Congressional Record to increase Individuals with Disabilities Act (IDEA) funding by $1 billion; and Pages H4087–90
Traficant amendment that sought to strike section 103 that prohibits any funding to promulgate, issue, implement, administer, or enforce any proposed, temporary, or final standard on ergonomic protection (rejected by a recorded vote of 203 ayes to 220 noes, Roll No. 250).

Points of order sustained against:

Jackson of Illinois amendment that sought to increase funding for skills training programs by $1 billion;

Obey amendment no. 9 printed in the Congressional Record that sought to increase funding for the international labor, including child labor, standards program funding by $97 million; and

Traficant amendment that sought to increase the minimum wage one dollar, from $5.15 to $6.16.

H. Res. 518, the rule that is providing for consideration of the bill was agreed to by a yea and nay vote of 218 yeas to 204 nays, Roll No. 247.

Order of Business—Consideration of Labor, HHS, and Education Appropriations: Agreed that during further consideration of H.R. 4577, that it be in order only at the appropriate point in the reading of the bill to consider amendments printed in the Congressional Record and numbered 10, 11, 12, 13, 14, 15, 16, 17, and 18, pursuant to clause 8 of rule XVIII, if offered by Representative Obey or his designee; that none of these amendments shall be liable to the point of order that a portion of the amendment addresses a portion of the bill not read for amendment; that all other points of order against them shall be considered as reserved pending completion of debate; that each shall be debatable for 30 minutes equally divided and controlled; shall not be subject to amendment; and may be withdrawn by its proponent after debate thereon.

Death Tax Elimination Act of 2000: The House agreed to H. Res. 519, the rule providing for consideration of H.R. 4577, to amend the Internal Revenue Code of 1986 to phaseout the estate and gift taxes over a 10-year period by a recorded vote of 242 ayes to 180 noes, Roll No. 249. Earlier, agreed to order the previous question by a yea and nay vote of 225 yeas to 199 nays, Roll No. 248.

Senate Messages: Message received from the Senate appears on page H4043.

Referrals: S. 2625 was referred to the Committee on Commerce.

Amendments: Amendments ordered printed pursuant to the rule appear on page H4122.

Quorum Calls—Votes: Three yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H4044, H4054, H4086, H4086–87, and H4107. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 10:08 p.m.

Committee Meetings

INTERNATIONAL COUNTER-MONEY LAUNDERING ACT


CORPORATE WELFARE REFORM COMMISSION ACT

Committee on the Budget: Held a hearing on the “Corporate Welfare Reform Commission Act, Unjustified Business Subsidies and Legislation aimed at Addressing Them.” Testimony was heard from public witnesses.

NATIONAL ENERGY POLICY


COUNTERFEIT BULK DRUGS

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Counterfeit Bulk Drugs. Testimony was heard from Dennis Baker, Associate Commissioner, Regulatory Affairs, FDA, Department of Health and Human Services.

CANCER CARE FOR THE NEW MILLENNIUM

Committee on Government Reform: Concluded hearings on Cancer Care for the New Millennium-Integrative Oncology. Testimony was heard from public witnesses.

DEBT COLLECTING IMPROVEMENT ACT IMPLEMENTATION

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held an oversight hearing on the Implementation of the Debt Collection Improvement Act. Testimony was heard from Gary T. Engel, Associate Director, Governmentwide Accounting and Financial Management Issues, Accounting and Information Management Division, GAO; Richard L. Gregg, Commissioner, Financial Management Service, Department of the Treasury; Edward A. Powell, Jr., Assistant Secretary, Financial Management and Chief
Financial Officer, Department of Veterans Affairs; Yvette Jackson, Deputy Commissioner, Finance, Assessment and Management; and a public witness.

FAIRNESS AND VOLUNTARY ARBITRATION ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 534, Fairness and Voluntary Arbitration Act, Testimony was heard from Senators Sessions and Feingold; Richard Holcomb, Commissioner, Department of Motor Vehicles, State of Virginia; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration and Claims held a hearing on the following bills: H.R. 3295, CT-43A Federal Employee Settlement Act; and H.R. 1371, to amend the Federal tort claims provisions of title 28, United States Code, to repeal the exception for claims arising outside the United States. Testimony was heard from Representatives Farr and Norton; Robin E. Jacobsohn, Deputy Assistant Attorney General, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following measures: H.R. 4286, to provide for the establishment of the Cahaba River National Refuge in Bibb County, Alabama; and H. Res. 415, expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation’s people and the important role the Nation’s people must play in the continued life of the ocean. Testimony was heard from Representatives Mink of Hawaii, Bachus and Riley; Capt. Ted Lillestolen, Acting Assistant Administrator, National Ocean Service, NOAA, Department of Commerce; Paul Schmidt, Deputy Assistant Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 3520, White Clay Creek Wild and Scenic Rivers System Act; H.R. 3745, Effigy Mounds National Monument Additions Act; and H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law. Testimony was heard from the following officials of the National Park Service, Department of the Interior: Katherine Stevenson, Associate Director, Cultural Resources, Stewardship and Partnerships; and John Schamp, Deputy Chief, U.S. Park Police; and public witnesses.

WOMEN IN BUSINESS

Committee on Small Business: Subcommittee on Government Programs and Oversight held a hearing on Women in Business. Testimony was heard from Aida Alvarez, Administrator, SBA; and public witnesses.

QUALITY OF REGULATORY ANALYSES

Committee on Small Business: Subcommittee on Regulatory Reform and Paperwork Reduction held a hearing on the Quality of Regulatory Analyses. Testimony was heard from Robert Murphy, General Counsel, GAO; and public witnesses.

MOTOR CARRIER FUEL COST EQUITY ACT

Committee on Transportation and Infrastructure: Subcommittee on Ground Transportation held a hearing on H.R. 4441, Motor Carrier Fuel Cost Equity Act of 2000. Testimony was heard from Representative Blunt; and public witnesses.

WOMEN VETERANS ISSUES

Committee on Veterans’ Affairs: Subcommittee on Oversight and Investigations held a hearing on the Department of Veterans Affairs services for women veterans. Testimony was heard from the following officials of the Department of Veterans Affairs: Linda Schwartz, Chair, Advisory Board on Women Veterans; and Joan Furey, Director, Center for Women Veterans; and representatives of veterans organizations.

DEBT REDUCTION AND RECONCILIATION ACT; WTO—WITHDRAWING U.S. APPROVAL

Committee on Ways and Means: Ordered reported, as amended, H.R. 4601, Debt Reduction and Reconciliation Act of 2000. The Committee also adversely reported H.J. Res. 90, withdrawing the approval of the United States from the Agreement establishing the World Trade Organization.
Joint Meetings

ROMANI HUMAN RIGHTS

Commission on Security and Cooperation in Europe: Commission concluded hearings on the human rights situation of the Romani minority in the OSCE region where Roma face widespread discrimination in public places, education, housing, and employment, as well as other human rights violations, after receiving testimony from Rumyan Russinov, Roma Participation Project, Bulgaria; Monika Horakova, Czech Parliament, Czech Republic; Angela Kocze, European Roma Rights Center, Hungary; and Karolina Banomova, Czechoslovak Roma Association of Canada.

COMMITTEE MEETINGS FOR FRIDAY, JUNE 9, 2000

Senate

No meetings/hearings scheduled.

House

Committee on the Budget, Housing and Infrastructure Task Force, hearing on Government’s Failure in Disposing of Obsolete Ships, 10 a.m., 210 Cannon.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on Counterdrug Implications of the U.S. Leaving Panama, 10 a.m., 2247 Rayburn.

Committee on Rules, to consider H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, 11 a.m., H–313 Capitol.
Next Meeting of the SENATE
9:30 a.m., Friday, June 9

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4576, Defense Appropriations, with a vote on the pending Grassley Amendment No. 3279, to occur at approximately 9:40 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Friday, June 9

House Chamber

Program for Friday: Consideration of H.R. 8, Death Tax Elimination Act of 2000 (modified closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

BUYER, Steve, Ind., E-913
FRANK, Barney, Mass., E-914
HUTCHINSON, Asa, Ark., E-913
KAPTR, Marcy, Ohio, E-916
MCINTOSH, David M., Ind., E-915
MOORE, Dennis, Kans., E-914
MORELLA, Constance A., Md., E-913
SHIMKUS, John, Ill., E-914, E-915, E-917, E-917, E-917
STUMP, Bob, Ariz., E-917
SWEENEY, John E., N.Y., E-914

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