House of Representatives

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

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

WASHINGTON, DC, July 26, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

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

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

Mr. WELLER 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 with amendments in which the concurrent resolution of the House is requested, a bill of the House of the following title:

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2614) “An Act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes,” requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BOND, Mr. BURNS, and Mr. KERRY, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 106-65, the Chair, on behalf of the Democratic Leader, and in consultation with the Ranking Member of the Senate Committee on Armed Services, announces the appointment of Alan L. Hansen, AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

INTRODUCTION OF REVEREND C.F. MCDOWELL III
(Mr. MCINTYRE asked and was given permission to address the House for 1 minute.)

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I recognize the gentleman who is today's guest chaplain, the Reverend C.F. McDowell, III, who just offered our prayer.

Mr. Speaker, Reverend McDowell currently serves as executive vice president of Special Ministries for the Baptist Children's Homes of North Carolina.

He is immensely involved in community, civic and church-related activities, and he has served the citizens of North Carolina through his decision, dedication, and determination.

He is a man of decision who has provided support and guidance to many, including myself, and many others in many communities throughout North Carolina.

He is a man of dedication who has provided a positive example for all to follow and whose hope he shares with many, especially young people and children, now in his current position.

Finally, he is a man of determination who understands that we face challenges every day, not only as families, but also as a Nation, challenges that will define our future.

Reverend McDowell is one of those special folks that provides advice and guidance to those seeking answers to life's most difficult questions and problems.

Mr. Speaker, Reverend McDowell has spent his entire life serving people. So it was very appropriate today that he came from North Carolina to join us here in the people's House to provide us with keen insight, a man of decision...
and dedication and determination who is, indeed, I am sure my colleagues will agree, his words in his prayer offered up to God have blessed us and will bless us in this day of decision and dedication and determination for all of us and for America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will receive 15 one-minute speeches on each side.

TAX RELIEF WILL HELP THE AMERICAN FAMILY
(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today is just another typical Wednesday for the average hard-working American family because, Mr. Speaker, millions of hard-working people will punch a time card at work in order just to put food on the table and clothes on the back of their children.

Yet, every day, the IRS takes far more than its fair share out of the average American’s paycheck.

The continual greed of a bloated and inefficient Washington bureaucracy is being financed on the back of hard-working Americans.

Mr. Speaker, by providing meaningful tax relief, parents will not have to spend their extra time at a second job to make ends meet. Instead, these hard-working parents will have more time to spend with their kids or to lend time to their elderly family members.

Tax relief can bring about a family renewal.

I am proud to be a part of a Republican Congress dedicated to helping American families by keeping Washington in check, balancing the budget, paying off the national debt, protecting Social Security, strengthening Medicare, and reducing taxes on every hard-working American. Thank you and I yield back.

PALESTINIANS NEVER MISS AN OPPORTUNITY TO MISS AN OPPORTUNITY
(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as has happened so often before, the Palestinians never miss an opportunity to miss an opportunity.

The President and the Secretary of State may be constrained by diplomatic protocol, but those of us in this House who follow these events are not. This summit collapsed because Yasir Arafat refused to budge. I pay high tribute to the President and his team. I pay high tribute to Prime Minister Barak, who has gone way beyond anything that anybody could rationally expect in terms of compromise and giving.

I deplore that Egypt and Saudi Arabia again encourage the most intransigent position possible on Arafat. Today, the President introducing legislation that would terminate all aid to the Palestinian Authority if a unilateral declaration of independence should be forthcoming. Such a declaration would mean new violence, and we cannot be party to it. I encourage all of my colleagues to join me.

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

Mr. PITTS. Mr. Speaker, ever since Roe v. Wade, Americans have debated the question, When does life begin? Some of us believe it starts at conception, others at viability, and others, amazingly, not until birth.

But once a baby has been born, everyone agrees life has begun, and this baby is a new human being with all his or her God-given rights.

Well, what was once obvious seems to have been called into question lately. The Supreme Court shocked America recently by ruling that States may not ban partial birth abortions. Now we are hearing stories of children being born alive in abortion clinics and then left to die.

H.R. 4292, the Born Alive Infants Protection Act, codifies in law that, once a baby is born, it is legally alive. Unbelievably, the National Abortion Rights Action League and their allies call this a renewed assault on Roe. What they really mean to say is that, when a doctor botches an abortion and the child is born alive, the doctor should still have the right to kill it. How far have we fallen, Mr. Speaker?

INTERNATIONAL CHILD ABDUCTION
(Mr. LAMPSÖN asked and was given permission to address the House for 1 minute.)

Mr. LAMPSÖN. Mr. Speaker, this weekend I brought together international leaders at a luncheon in London to discuss the problem of international parental child abduction. This is an issue that touches families everywhere and an issue, to be solved, needs to be addressed everywhere. The luncheon was very productive, and I hope that it will lead to action by my foreign counterparts. National boundaries are no barrier to the transportation and victimization of children.

Today, there is no enforceable global system to attack and address this problem. Despite legal, law enforcement, and diplomatic mechanisms, many cases are not identified. Many children are not recovered. Many children who are located are not returned to their country of origin due to legal and procedural problems. This situation causes anger, outrage, and pain for searching parents around the world.

Unless urgent and rapid action is taken, more and more children will be denied their most basic right, that of having access to both parents. The challenge is now to find commitment at both national and international levels to implement these actions. Family disputes and divorce will never go away. Parental child abduction, however, must be eradicated.

OPPOSITION TO H.R. 4892, SCOUTING FOR ALL ACT
(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, the Supreme Court has ruled that the Boy Scouts of America, as a private organization, has the right to set its own standards for membership and leadership. This allows the Scouts to continue developing young men of strong moral character without imposing the mores on them that they find abhorrent.

Would my colleagues like a view of extremist liberal Democrats who seek to control this House? They have filed a bill to revoke the Boy Scouts Federal charter, a blatant attempt to undermine the Supreme Court’s ruling and punish the Boy Scouts for their beliefs.

This bill promotes intolerance. The Boy Scouts respect other people’s right to hold differing opinions than their own and ask others to respect their beliefs. Extremist Democrats believe just the opposite. They believe that if one does not subscribe to their beliefs and their view of the world, then one is intolerant and must be chastised.

These liberal Democrats are in error. Tolerance does not require a moral equivalency. Rather, it implies a willingness to recognize and respect the beliefs of others.

The Boy Scouts are a model of inclusiveness. Today, boys of every ethnic, religious, and economic background, including those with disabilities and special needs, participate in Scouting programs across America. I urge my colleagues to vote against this extremist measure promoted by liberal Democrats.

ACCIDENTAL HOSPITAL DEATHS ARE HIGHER THAN ACCIDENTAL GUN DEATHS
(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, accidental deaths caused by doctors and hospitals in America reached 120,000 per year. Meanwhile, gun deaths have dropped 35 percent. In fact, accidental gun deaths dropped to 1,500 last year.

Think about it. We have got hospitals slicing and dicing American people like Freddie Kruger, and Congress...
is passing more gun laws. Beam me up. There is something wrong in America when one is 80 times more likely to be killed by a doctor than Smith & Wesson. Think about it, 80 to 1. Maybe we need a gun in surgery.

I yard back, the fact that the second amendment was not written to cover just duck hunters.

GORE SENIOR TAX POLICY

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

Mr. STEARNS. Mr. Speaker, the Austrian philosopher Karl Krauss once wrote, "When the end comes, I want to be living in retirement."

Many Americans in this country feel that way. They put in countless hours anticipating the day when they will retire. Unfortunately, the Clinton-Gore administration sees these benefits as a prime opportunity to grab more money for the Federal Government.

In 1993, the Clinton-Gore administration decided to tax up to 85 percent of the Social Security benefits received by those whose incomes were $34,000, and married taxpayers, seniors, with incomes exceeding $44,000.

Worse yet, Mr. Speaker, because these incomes were not indexed for inflation, the tax effects were more dramatic every year for our seniors.

This week the House will vote to end this burdensome tax and give seniors a well-deserved tax break. Seniors have paid their fair share of taxes. It is time we repeal the Clinton-Gore seniors' tax.

VETERANS RIGHT TO KNOW ACT

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

Mr. PASCRELL. Mr. Speaker, I rise this morning to commend this body for passing two pieces of legislation yesterday that enhance the benefits of our veterans, H.R. 4850 and H.R. 4864. It passed just this past week legislation wiping out the marriage tax penalty for 25 million married working couples who, on average, pay $1,400 more in higher taxes. They say that there are people that have no children, there are people that give money to church and charity, and there are people that itemize their taxes, and because of that, they are rich, and they do not deserve marriage tax relief, and they should be discriminated against and should continue to receive and suffer from the marriage tax penalty.

I was so proud when this House passed just this past week legislation wiping out the marriage tax penalty for 25 million married working couples, on average, $1,400. We made sure, if one suffers the marriage tax penalty, whether one is a homeowner or not, one receives relief. It deserves bipartisan support. I hope the President will change his mind.

GOP ACCOMPLISHMENTS

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

Mr. BARTLETT. Mr. Speaker, nothing we do in Congress can be accomplished alone. Today I want to thank my colleagues on both sides of the aisle who have worked to make the 106th Congress' record one of accomplishments and not of partisan gridlock.

This Congress has passed some of the most solid education reform ever brought before this body, measures that will give parents and teachers more flexibility to meet students' unique needs. But that is not all. We have also worked tirelessly to pay off our public debt portion of our national debt which is saddling children born this year with a $13,300 debt burden. Our debt relief measures will save the average household an estimated $4,000 in interest payments over the next 10 years. Think of what American families can do with $4,000 in additional income.

The 106th Congress has an agenda for success, and I am proud to be a part of it.

BIG BROTHER IS READING OUR E-MAIL

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

Ms. MCKINNEY. Mr. Speaker, although it is 16 years after the titled date of 1984 in George Orwell's novel of the same name, Big Brother is really here and now he is reading our e-mail. Our constitutional rights to privacy are currently being trampled by government-sanctioned invasions currently over at the FBI. These privacy invasions use today's latest technology through the FBI's Carnivore system which monitors and captures our e-mail without our consent or our knowledge.

What business is it of the U.S. Government what I say in an e-mail to my family and to my friends? We must never knowingly allow any government agency to use our e-mail to do to us today what they did with other technologies to Malcolm X and Martin Luther King yesterday.

SPACE STATION TEACHES COSTLY LESSON

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

Mr. DUNCAN. Mr. Speaker, yesterday's lead front page story in the Christian Science Monitor newspaper was headlined, "Late, Costly Milestone Marks." It was about the Space Station and U.S. costs now approaching $100 billion. When this project was first started in 1984, cost projections were only $6 to $8 billion. This is the old War on Cancer game: Drastically low ball the cost estimates at the beginning, then spread the project around to as many congressional districts as possible and it will never end.

As the well-respected Monitor pointed out yesterday, "The $96 billion station is 2½ years behind schedule and costs are burgeoning," meaning still going up. U.S. taxpayers have even had to pay out an extra 3 to $5 billion to help the Russians participate.

This Space Station will go down in history as the biggest boondoggle this Nation has ever produced. Mr. Speaker, it just goes to show once again that the Federal Government cannot do anything in an economical, cost-effective manner.

RECOGNIZING EL PASO VETERANS CENTER

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

Mr. REYES. Mr. Speaker, I rise to recognize an outstanding institution in
my district, the Department of Veterans Affairs El Paso Vet Center which has served the veterans of west Texas and southern New Mexico for the last 21 years. The center provides quality care and support to the veterans and their families.

Through counseling, guidance and rehabilitation programs, the center is an invaluable link between our veterans and the Department of Veterans Affairs. By reaching out to more than 100,000 veterans in the El Paso area, the center makes an incredible difference in our community.

It is veterans programs like this that deserve the full support and appreciation of this institution. Abraham Lincoln once said, “Let us strive on to finish the work we are in, to bind up the Nation’s wounds, to care for him who shall have borne the battle and for his widows, his orphans.”

Wars indeed have left behind men and women who need our assistance. As we celebrate the 25th anniversary of the end of the Vietnam War, I am proud to recognize the El Paso Vet Center, an institution that has continuously provided assistance to our Nation’s veterans in El Paso.

THE FLEECING OF UTAH PROPERTY OWNERS

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

Mr. HANSEN. Mr. Speaker, the U.S. Constitution says that if the Government takes private property, the owner of the property shall receive just compensation. In Washington County, Utah, the desert tortoise was put on the endangered species list. Therefore, the U.S. Government required hundreds of acres of tracts for that habitat. About 30 taxpayers were involved. They did not want to give up their ground, They wanted to keep it. But no, the Federal Government says, “We’ve got to take that ground for this habitat.” And they said, “It’s not taking your ground.”

And then you ask, “What is it taking?” “Well,” they say, “you can keep your property but you can’t put your foot on it. You can pay taxes on your property, but you can’t use it. We’re not taking your property.”

So the Federal Government offered about one-fourth of the value of the ground. Now, is that fair? Is that just? Is that just compensation? I do not think it is.

Tom Brokaw of NBC does a program called The Fleecing of America. He used this land issue saying these poor taxpayers were fleeced. A Mexican rancher who got it for that price. Well, he got it wrong, as the press normally does. I am just amazed that the media misses one so far. Who really got fleeced on this, Mr. Speaker? The people who got fleeced were those people that gave up their ground for one-fourth of the value.

REPUBLICAN ACCOMPLISHMENTS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, Democrats are running scared. Their message of fear, class warfare and big government is running again. Even their own focus groups and polls tell them Americans want the Republican agenda of less taxes, less government and local control.

And who can blame them? Just listen to what the Republicans have accomplished: we have created the longest economic expansion in America’s history, balanced the budget, paid down the national debt, saved Medicare, locked away 100 percent of the Social Security surplus, eliminated the Social Security earnings penalty, and eliminated the marriage penalty and death tax. That is just to name a few.

The Democrats have attacked these accomplishments as risky. But I do not think it is risky to give something back to the very Americans who made this country great, the people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Ose). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, July 25, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4033, by the yeas and nays; H.R. 4710, by the yeas and nays.

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

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4033, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 3, not voting 18, as follows:

[Roll No. 493]
July 26, 2000

CONGRESSIONAL RECORD—HOUSE

H7009

Payne      Pease      Pelosi      Peterson (MN)
Payne      Pease      Pelosi      Peterson (PA)
Patriot      Phelps      Pickering      Pickett
Pompey      Porter      Portman      Price (OH)
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Mr. Speaker, I rise in opposition to the request of the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 15 minutes of my time to my colleague, the gentleman from Michigan (Mr. LEVIT), and I ask unanimous consent that he be allowed to yield further blocks of time.

The SPEAKER pro tempore. The SPEAKER pro tempore. The gentleman from New York (Mr. McNULTY) will control 30 minutes.

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

Mr. CRANE. Mr. Speaker, I yield my time to the gentleman from Michigan (Mr. LEVIT), and I ask unanimous consent that he be allowed to yield further blocks of time.

At this time, I would insert into the RECORD a letter I received from over 40 trade associations supporting Vietnam’s Jackson-Vanik waiver as an important step in the ability of the U.S. business community to compete in the Vietnamese market.

Hon. PHILIP CRANE,
U.S. Congress,
Washington, DC.

DEAR REPRESENTATIVE CRANE: As members of the American business and agricultural community, we strongly support action to normalize trade relations with Vietnam. Renewal of the Jackson-Vanik waiver is a key step in this process. We oppose H.J. Resolution 99, which would overturn the waiver, and urge you to vote against the resolution when it comes to the floor Wednesday, July 26, 2000. Renewal of the Jackson-Vanik waiver will ensure that U.S. companies and farmers reach this important milestone.

The paramount issue in our bilateral relations with Vietnam remains the fullest possible accounting of MIA’s. Since 1993, 288 sets of remains of U.S. servicemen have been repatriated and fate has been determined for all but 41 of 196 persons associated with last known-alive cases.

Future progress in terms of the ability of U.S. personnel to conduct excavations, interview eye witnesses and examine archival items is dependent upon continued cooperation by the Vietnamese.

On immigration, the central issue to the Jackson-Vanik waiver, more than 500,000 Vietnamese citizens have entered the United States under the orderly departure program in the past 10 to 15 years. As a result of steps taken by Vietnam to streamline its immigration process, more than 98 percent of cases in the resettlement opportunity for Vietnamese returnees have been cleared for interview.

Germany, Vietnam has agreed to help us reinstate a refugee program for former U.S. Government employees.

Earlier this month, the administration concluded a bilateral trade agreement with Vietnam that will serve as the basis for a reciprocal extension of normal trade relations once it is transmitted and approved by Congress. The trade agreement contains provisions on market access in goods, trade in services, intellectual property rights and investment which are necessary for U.S. firms to compete in the Vietnamese market, the 13th most populous in the world. Because Congress has not yet approved a bilateral agreement, Vietnam’s Jackson-Vanik waiver at this time is quite limited, enabling U.S. exporters doing business in Vietnam to have access to U.S. trade financing programs.

At this time, I would insert into the RECORD a letter I received from over 40 trade associations supporting Vietnam’s Jackson-Vanik waiver as an important step in the ability of the U.S. business community to compete in the Vietnamese market.

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

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that half of my time be yielded to the gentleman from New York (Mr. MCDERMOTT) and that he be permitted to allocative that time as he sees fit.

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

There was no objection.
Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of joint resolution 99, which disapproves the President’s determination to waive the Jackson-Vanik freedom of information requirement. Others will point out that this debate is not about extension of normal trade relations with Vietnam but rather about the more limited issue of whether Vietnam should be eligible to participate in U.S. credit and credit-guaranteed programs.

According to the Department of Defense, we are receiving newly discovered remains of American personnel. As recently as June 3, last month, Mr. Speaker, the possible remains of one American military personnel were recovered. Can we not wait until this process is completed?

Mr. Speaker, on August 9, 1970 my brother, HM3 William F. McNulty was killed in Vietnam. He was a Navy medical corpsman transferred to the Marines. He spent his time patching up his buddies, and one day he stepped on a land mine and lost his life. That was a tremendous loss for our family, and I can tell my colleagues from personal experience that while the pain may subside it never goes away.

There is a difference between what the McNulty family went through and what an MIA family goes through. Because Bill’s body was returned to us, we had a wake and a funeral and a burial. What we had, Mr. Speaker, was closure. I can only imagine what the family of an MIA has gone through over these decades.

Mr. Speaker, until there is a more complete accounting of those missing in action, this waiver should not be granted.

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

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana (Mr. JEFFERSON) be allowed to yield further time.

The SPEAKER pro tempore. Is there objection to the gentleman from Michigan?

There was no objection.

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

Mr. Speaker, I rise in opposition to H.J. Res. 99. I support the President’s decision to waive the Jackson-Vanik prohibitions with respect to Vietnam for an additional year.

This action takes place against a backdrop of bitter relationships in the past with Vietnam. Memories of those years remain, and appropriately so.

Over the past 5 years, the U.S. has gradually been reengaging with Vietnam. In 1994, we lifted the comprehensive embargo that had been in place since 1975. In 1995, we reopened the American Embassy in Hanoi. In 1998, the President decided to waive the Jackson-Vanik prohibitions. This body supported that decision with decisive support. Each of these actions was a long-term commitment in evolving. Each responded to positive developments in Vietnam. Notably, the government of Vietnam has improved cooperation in the location of U.S. servicemen and women missing in action and unaccounted for. Vietnam is improving in the administration of programs to facilitate the resettlement of Vietnamese wishing to immigrate.

We must be clear concerning what today’s vote is about, and what it is not about.

Today we simply vote on whether or not to approve or disapprove the Jackson-Vanik waiver for Vietnam for an additional year. Approving the waiver will continue the availability of export-related financing to Vietnam and open up a great deal of new business to American businesspeople and our workers. Approving the waiver will not extend Vietnam’s most favored nation status to goods and services from Vietnam. Imports from Vietnam will remain subject to restrictive tariffs until the Congress approves a bilateral trade agreement.

Two weeks ago, our country did, in fact, sign a trade agreement with Vietnam, negotiated over a period of 4 years. However, that agreement is not before the House today. When the President eventually submits it for approval, we will have to give careful consideration to a number of issues, including the extent of Vietnam’s commitments, the extent to which it is implementing its commitments, our ability to monitor and enforce those commitments and Vietnam’s compliance with international standards in areas including labor and the environment.

Fully normalizing relations with Vietnam is a long-term task. It requires us to work with Vietnam, including through the provision of technical assistance. For now, we must preserve the forward momentum that has developed over the past 6 years. To cut off programs now would be to pull out the rug from under U.S. producers of goods and services.

In short, let us keep intact the groundwork upon which a meaningful and enduring relationship hopefully could be built.

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

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

Mr. Speaker, I rise in strong support of H.J. Res. 99. The American people want to know that those who have struggled to stay there in that tide of history and endured the burden of providing for those who wanted to return to a land mine and lost his life. That was a tremendous loss for our family, and I can tell my colleagues from personal experience that while the pain may subside it never goes away.

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Mr. Speaker, we do no favors for the corrupt Vietnamese dictatorship does not intend to isolate Vietnam or to stop American businesses from doing business there. It simply prevents the Communist Vietnam regime from enjoying a trade status that allows American businesses to sell their products in Vietnam under this trade authority to give them dignity, whether they are working for a U.S.-based company or some other multinational working over there? And this American said to me, oh, that is not a trade issue, that probably more cultural. That offended me so much.

Mr. Speaker, I think our government is on the wrong song sheet here. We ought to be for developing a civil society in Vietnam, begin Vietnam's movement towards a more open society. It simply prevents the Communist Vietnam regime from enjoying a trade status that allows American businesses to sell their products in Vietnam.

Mr. Speaker, I rise to urge support of the Jackson-Vanik waiver by voting no on H.J. Res. 99, to encourage progress on human rights, Vietnam has taken the right steps. Vietnam is not there yet, but Vietnam is moving in the right direction.

Mr. Speaker, House Joint Resolution 99 is the wrong direction for us to take today. Who is hurt if we pass this resolution? We are. It is the wrong direction for U.S. manufacturers who do not have a level playing field when they compete with their European or Japanese counterparts in Vietnam. It is the wrong direction for our joint efforts with the Vietnamese to account for the last remains of our soldiers and to answer, finally, the questions of their loved ones here. It is the wrong direction for our efforts to influence the Vietnamese people, 65 percent who were not even born when the war was being waged. Let us not kick the clock on Vietnam. Let us continue to work with them and, in doing so, teach the youth-ful Vietnamese the values of democracy, the principles of capitalism, and the merits of a free and open society.

Mr. McNULTY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I support the McNulty resolution to disapprove the extension of trade waiver authority with Vietnam.

Mr. Speaker, last year I supported this exact opposite resolution because I hoped that there would be signs in Vietnam that, in fact, that government would move toward a more open society. There are no signs of that, and political repression continues. Talk to people who live here in the United States who have relatives in Vietnam; many live in the Washington area.

What was even more troubling to me and the reason for this change in my own position, and I am not going to use the person's name, but recall the two most important Americans in charge of shaping U.S. policy toward Vietnam was speaking with me the other day; and I said, what are you going to do about the treatment of workers in Vietnam under this trade authority to give them dignity, whether they are working for a U.S.-based company or some other multinational working over there? And this American said to me, oh, that is not a trade issue, that probably more cultural. That offended me so much.

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Mr. Speaker, I rise to urge support of the Jackson-Vanik waiver by voting no on H.J. Res. 99, to encourage progress by Vietnam on a host of issues important to the United States.

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more authoritatively on that issue than one of our former colleagues, Pete Peterson, who is here with us today. Pete Peterson was shot down flying his 67th mission during the Vietnam War and spent 6½ years as a prisoner of war. After serving 6 years with us in the U.S. House as a member of my class in 1991, Pete Peterson returned to Vietnam, this time as the first ambassador since the Communist takeover.

It is Ambassador Peterson's remarkable story about the changes going on in Vietnam, I believe, that sheds the greatest light on what our policy toward Vietnam should be. So while serious issues remain in our relationship with Vietnam, the dialogue with the Vietnamese on a full range of issues is the foundation on which those issues can be resolved.

For this reason, support for the Jackson-Vanik waiver for Vietnam and a vote against this resolution is in our best interest, I believe.

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

Mr. ROHRABACHER. Mr. Speaker, I yield 30 seconds.

Mr. Speaker, we have heard here that this really is not about taxpayer subsidy, because what we are doing today only makes possible that we will give taxpayer subsidies to American businesses, and opening up in this dictatorship in Southeast Asia, Vietnam.

The fact is, that is what this debate is all about, whether or not it should be permitted for American companies to receive subsidies from the American taxpayer that are not in the interest of the American people so that they can go over and manufacture things in Vietnam and then to export them back to the United States. That is what this is about, the same way it is about this in China in our China debate, and what the gentleman from Illinois (Mr. CRANE) read confirms that.

Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding, and I rise today in support of the Rohrabacher resolution.

Mr. Speaker, let me say that we have heard about the terrible human rights situation in Vietnam; and sadly, let me say it, in fact, is true. If we look at the rights abolished by the socialist republic of Vietnam, political freedoms are gone, the press is silenced, and economic freedom has been systematically abolished for the people there.

Now, the State Department tells us that the Vietnamese government quote, "maintains an autocratic one-party state that is not a democracy and does not tolerate opposition." Earlier this year, I visited Vietnam and I saw firsthand the Communist Party's harassment of those Vietnamese citizens who decide to peacefully set forth dissenting political and religious views. I also visited several who were under house arrest.

Now, we can argue whether or not engagement best advocates freedom in Vietnam. In fact, I believe engagement does. If done right, a two-track policy of engaging Vietnam on economic reform, while pressuring it on its political and religious repression with Radio Free Asia and other means, would yield itself 30 seconds.

Trade in investment terms with Vietnam, though, is not what this particular piece of legislation addresses. Denying this waiver would not make the U.S. business sector free to do business in Vietnam. Approving this resolution would simply disallow taxpayer dollars from being used to continue subsidizing U.S. companies to do business in Vietnam. The reforms the Vietnamese government promises to make in its trade agreement with the U.S. generally are comprehensive. They are comprehensive because the business climate in Vietnam right now is so bad. The Communist Party runs an economy absolutely poor, despite the talents and drive of the Vietnamese people. The economy is riddled with corruption, red tape, and cronyism.

Mr. Speaker, the State Department says, U.S. businesses find the Vietnamese market is a tough place to operate. That is an understatement. American and European companies, which eagerly entered Vietnam a few years ago, are in retreat. If they wish to stay the course, that is their decision; but we should not ask for a U.S. Government subsidy to do that.

Mr. Speaker, we all hope that freedom comes to Vietnam. Today we are debating whether this resolution, which grants the U.S. Government subsidies for American business is a constructive way to promote this freedom. I do not think that that case has been made for Vietnam, or from any other places, for that matter. I ask my colleagues to consider this resolution.

Mr. CRANE. Mr. Speaker, I would remind our colleagues that OPIC and Ex-Im Bank help businesses in a majority of countries around the globe; it is not confined to Vietnam.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, I rise in opposition to the resolution from the gentleman from California (Mr. ROHRABACHER) and support the Jackson-Vanik waiver.

In the 1870s, France colonized Vietnam. From 1940 to 1945, the Japanese and the French collaborated to oppress and colonize Vietnam. In 1945, President Roosevelt sent a special agent, Archimedes Patti of the OSS, the fore-runner of the CIA, to see what was going on in Vietnam and what should happen after World War II, which was fought for self-determination around the world.

Archimedes Patti suggested that Ho Chi Minh was fighting for independence against the French and the Japanese. Roosevelt died. Archimedes Patti persisted with President Truman. Throughout the 1950s, the OSS, which turned into the CIA, recommended that the United States not become involved in the Vietnam conflict because it was a fight for a civil war and a matter of a fight for independence.

Now, I know the decisions were tough then. In the 1940s and 1950s it was Communist expansion, China fell to the Communist, there was a Korean War and so on, but the United States got involved in the conflict. I served in Vietnam. I lost close friends in Vietnam. I knew men who are still to this day MIA. I was proud to fight for the democratic process in the 1950s in Vietnam.

It is now 25 years later. The war virtually ended in 1975. The United States does have business interests around the globe and in Vietnam. The United States does have humanitarian interest in our relationship with the world and in Vietnam. We will not lose sight of those humanitarian interests regardless of what anybody says about cultural interests.

So I highly recommend to my colleagues that we extend the Jackson-Vanik, the gentleman from California (Mr. ROHRABACHER), we stand firm in favor of the Jackson-Vanik waiver; and while we do that, we salute Pete Peterson, the Ambassador to Vietnam from the United States.

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

Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.J. Res. 99 and oppose the granting of the waiver for Vietnam.

Mr. Speaker, I do not believe Vietnam has made significant improvements in allowing political express or religious freedom.

I intend to support today's resolution opposing the waiver of the Jackson-Vanik provisions of the 1974 Trade Act. The Communist government in Hanoi still clings to the belief that any form of individualism is a threat to their grip on power.

Every year the House is asked to make exceptions to the countries who consistently oppress political dissent and religious freedom. When is the United States going to say enough is enough? I understand that we are here today because of the tremendous economic opportunities that are available in Vietnam. I understand that Vietnam has the cheap labor and lax environmental regulations that we seem to favor to produce our clothes and our shoes.

What would we get in return for waiving the Jackson-Vanik provisions of the 1974 Trade Act? Are we going to get more help in locating our missing servicemen? The legacy of the Vietnam War will remain open and festering without a higher level cooperation from the government in Hanoi.
I hope that next year, if we repeat this process, the United States is not running a huge trade deficit with Vietnam. Injecting large amounts of foreign investment in Vietnam to bring about social change is a flawed theory. We have seen that with China over the years, and it still suppresses religious expression, and it still sells weapons to some of the most unstable nations in the world.

It is interesting that the companies and businesses who are successful in our country are those who encourage individualism and initiative want to take advantage of a society that suppresses it to the point, and that is the very reason that our society and our government is successful because, individually, we have the right to succeed.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to this resolution. I am in support of the continuation of the Jackson-Vanik waiver for Vietnam.

Last year, 297 Members of the House voted against a disapproval waiver. Since that time, major steps have been taken on issues of greatest concern to the Congress and the American people with respect to issues between the United States and Vietnam.

The number of Vietnamese who have been able to leave the country to resettle in the United States has reached merely 16,000 in the first 6 months of this year compared to 3,800 2 years ago.

Ambassador Pete Peterson, our former colleague, has declared that "Vietnam’s cooperation on emigration policies has helped us.

Our continued waiver of Jackson-Vanik, which is strongly supported by a number of veterans organizations, has encouraged Vietnam to implement reforms that are needed to establish the basic labor and political rights we believe are critical. There is still much room for improvement, to be sure, on all of these fronts, on freedom of expression, on labor, on human rights, on political rights, but the fact of the matter is progress is being made because of this engagement.

We should continue to encourage these reforms in Vietnam through expanded trade, labor, and educational exchanges, again which are taking place already; cooperation, environmental and scientific initiatives which, again, are already taking place. But we need more of them. We need these efforts to build a stronger relationship between the two countries to promote the kind of open and democratic societies we believe they have a right to enjoy.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first and foremost, let us look again at the central issue. No matter how much people are trying to deny it, the central issue is whether or not the American taxpayer should be subsidizing the investment by American businesses, not to sell American products in Vietnam but to set up factories in Vietnam, to take advantage of their, basically, slave labor, people who have no right to form a union, people who have no legal protections. Should we subsidize with our taxpayers’ dollars American businessmen who have no right to form a union elsewhere, who have no right to form a union in this country. I also, of course, want a full accounting of our MIAs and POWs, and our ambassador has been working very hard on achieving that.

Of course I am concerned about religious freedom and the state in a country like Vietnam. But I disagree with the proposed solutions that the other side suggested, as denying the Jackson-Vanik waiver for Vietnam does nothing to further the progress in any of these areas. In fact, I believe it has just the opposite effect.

Let us put this vote today in its historical perspective. It was 1991 that President Bush proposed a road map for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for this cooperation, the United States agreed to move towards normalizing relations in an incremental fashion.

Progress has been made through the years. That in 1991. In 1995, a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, in response to further reforms by the Vietnamese, formal diplomatic relations were established between the United States and Vietnam. In 1998, President Clinton issued the first waiver for Vietnam under the Jackson-Vanik procedures. This waiver, which was approved by this House by a very substantial margin, made American products eligible for trade investment programs such as Ex-Im and OPIC.

This year, an even more historic step was reached when the United States and Vietnam signed a bilateral trade agreement which contained significant concessions for the U.S. industry in Vietnam.

Now, this vote today is not going to provide us with all the benefits of the agreement, nor will it mean that we will have normal trade relations with Vietnam. That will require an additional vote by Congress. But today’s vote does send a message that Congress supports the policy of continued engagement with Vietnam. I believe that has helped us.

I urge a no vote on this resolution.
The SPEAKER pro tempore. The Chair wishes to remind all Members that references to the presence on the floor of non-Members during debate is not appropriate.

Mr. MCNULTY. Mr. Speaker, I yield 4 minutes to the gentleman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from New York (Mr. MCNULTY) for yielding me this time.

As an area Congresswoman who represents the largest Vietnamese-American population in the United States in Orange County, California, this Jackson-Vanik is about the immigration issue and the reunification of the families, the Vietnamese-American families that we have here in our country.

We have gone through the process. Our State Department has allowed that these members of families come to the United States, and then they run into a problem. The problem is that the corrupt government of Vietnam charges bribes of about $2,000 to try to get an exit for each person who is trying to come here to the United States to be with their family members.

Well, when one considers that the average income in Vietnam is $300 a year, $2,000 is not an easy amount to get one’s hands on to get one’s exit visa so that one can come here and be with one’s family after our State Department says, in fact, one should and can be here in the United States.

So on the issue of immigration, the government of Vietnam has not held up its end. But in addition to that, why should we, the United States, help a government that is so against human rights?

The government continues to repress basic political and religious freedoms and does not tolerate most types of public dissent. This is what the United States State Department reported in its 1999 review of the human rights situation in Vietnam.

What they are doing now in Vietnam is that, instead of holding prisoners in prisons, they put them in house arrest so that the rest of the nations will not criticize them internationally. In fact, the last time I was in Vietnam, while I was talking to a dissident under house arrest in his home, the government figured out I was there. They sent their police knocking on the door trying to get through. I do not know, if I had not had a couple of Marines there with me, what would have happened.

But the situation is that dissidents do not have an ability to speak their mind under this government. So I ask again, why should we reward that government with a Jackson-Vanik waiver?

It was just 2 months ago when the Vietnamese police placed Ha Si Phu under house arrest and threatened to charge him with treason. The Vietnamese authorities apparently believe that Mr. Ha is connected to an open appeal for democracy issued by intellec-
tual dissidents. If convicted, he could face the death penalty.

Sadly, this is not the first time that Ha Si Phu has been harassed by authorities for peacefully expressing his views. In recent years, he has become well known for his political discourses and for focusing international attention on Vietnam’s terrible human rights record. For his efforts, he was imprisoned in December 1995 for a year; and he continues to be under House arrest, like the rest of the people who speak up in Vietnam and say that what they are doing is wrong.

How do we reward this country when it punishes its citizens for exercising basic human rights; a country where a citizen is punished for speaking out against what he or she believes is wrong?

Unfortunately, Mr. Ha’s situation is not the only example of what we see over and over and in this country. Our ambassador, Mr. Pete Peterson, has said that the conditions are getting better. They are not. We have only to ask the relatives who live here in the United States.

I urge my colleagues to vote “yes” on this resolution. Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, this vote today is a vote on whether we are truly dedicated to the hard work of getting full accounts of our missing from the Vietnam War.

As the Veterans of Foreign Wars have stated, passing this resolution of disapproval will only hurt our efforts at a time in which we are receiving the access and cooperation we need from the Vietnamese to determine the fate of our POW-MIAs. There is no more authoritative force and voice on this issue than our former colleague and now ambassador to Vietnam, Mr. Pete Peterson, who speaks with this waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, he should have every reason to be skeptical and harbor bitterness against the Vietnamese. Yet he believes the best course is to develop better relations between our two nations.

We have achieved progress on this POW-MIA issue because of our evolving relationship with the Vietnamese, not because we give up on them. Without access to the jungles and the rice paddies, to the information and documents, and to the witnesses of these tragic incidents, it would be impossible to give the families of the missing the answers our country owes them.

We are making progress and providing these answers. Much of this is due to the Joint Task Force—Full Accounting, our military presence in Vietnam tasked with looking for our missing. I have visited with these young men and women, and they are among the most brave and motivated troops I have ever met. Every day, from the searches of jungle battle sites to the excavation of crash sites on precarious mountain summits, they put themselves in harm’s way to perform a mission they truly believe in.

It is moving to see these young men and women, some who were not even born when our presence was so involved in Vietnam. They have told me time and time again one thing; allow us to remain on this job.

The resolution before us today puts this at risk. I urge my colleagues to please vote against this resolution.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, this Member rises in opposition to the resolution.

It is important for us, I think, to recognize what the Jackson-Vanik waiver does and what it does not do. By law, the underlying issue here is about immigration. Based on Vietnam’s record of progress on immigration and its continued cooperation on U.S. refugee programs over the past year, renewal of the Jackson-Vanik waiver will continue to promote freedom of immigration. Disapproval would undoubtedly result in the opposite.

The Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the 1996 trade embargo and established diplomatic relations 5 years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral, political, economic, and consular relationships. This is in America’s own short-term and long-term national interests. It builds on Vietnam’s own policy of political and economic reintegration into the world.

This will be a lengthy and challenging process. However, now is not the time to reverse course on Vietnam. Vietnam continues to fully comply with our priority efforts to achieve the fullest possible accounting of American POW-MIAs. The Jackson-Vanik waiver supports this process.

The Jackson-Vanik waiver certainly does not constitute an endorsement of the Vietnamese regime. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. On May 4, however, this body passed a resolution condemning just such violations of human rights.

The Jackson-Vanik waiver does not provide Vietnam with new trade benefits, including Normal Trade Relations, NTR, status. With the Jackson-Vanik waiver, the United States has been able to successfully negotiate and sign a new bilateral commercial trade agreement with Vietnam. Congress will have an opportunity in the future whether to approve it or not, and whether to
grant NTR or not, but that is a separate process. The renewal of the Jackson-Vanik waiver only keeps this process going, nothing more.

Renewal of the Jackson-Vanik waiver does not automatically make Americans eligible for possible coverage by U.S. trade financing programs. The waiver only allows American exports to Vietnam to be eligible for such coverage.

Mr. Speaker, the war with Vietnam is over, and we have embarked upon a new, although cautious, expanded relationship with Vietnam. Now is not the time to reverse this constructive course. Accordingly, this Member urges a “no” vote on the resolution.

Having summarized the key reasons to oppose the resolution, this Member would like to expand on a few of these points. First, the issue of emigration, which indeed, is what the Jackson-Vanik provision is all about. Since March of 1998, the United States has granted Vietnam a Jackson-Vanik waiver. This waiver for emigration provisions of the Trade Act of 1974. As this is only an annual waiver, the President decided on June 2, 2000, the renewal of this tension because he determined that doing so would substantially promote greater freedom of emigration from that country in the future. This renewal has been based on the record of progress on emigration and on Vietnam's continued cooperation on U.S. refugee programs over the past year. As a result, we are approaching the completion of many refugee admissions categories under the Orderly Departure Program, including the settlement Opportunity for Vietnamese Returnees, Former re-education Camp Detainees, “McCain Amendment” sub-programs and Montagnards. The Vietnamese Government has also agreed to help implement our decisions. As this Member mentioned, on May 4, 2000, this body adopted a resolution condemning Vietnam’s human rights record. Given the strong reaction to our resolution by Hanoi, it is evident that our actions and concerns did not go unnoticed.

Fourth, the Jackson-Vanik waiver does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms such as freedom of speech and freedom of religion. However, our experience has been that isolation and disengagement does not promote progress on human rights. New sanctions, including the symbolic disapproval of the Jackson-Vanik waiver, strengthens the position of the Communist hard-liners at the expense of those in Vietnam’s leadership who are inclined to support more openness. Engagement with Vietnam has resulted in some improvements in Vietnam’s human rights practices, though we still remain disappointed at the very limited pace and scope of such reforms. As this Member mentioned, on May 4, 2000, this body adopted a resolution condemning Vietnam’s human rights record. Given the strong reaction to our resolution by Hanoi, it is evident that our actions and concerns did not go unnoticed.

Fifth, the Jackson-Vanik waiver does not provide Vietnam with any new trade benefits, including Normal Trade Relations (NTR) status. Moreover, with the Jackson-Vanik waiver, the United States has been able to successfully negotiate the bilateral commercial trade agreement with Vietnam. This agreement was signed two weeks ago in Washington. In the opinion of this Member, this agreement is in our own short and long term national interests. Vietnam remains a very difficult place for American firms to do business. Vietnam needs to undertake additional fundamental economic reforms. This new bilateral trade agreement will require Vietnam to make these reforms and will result in increased American exports supporting jobs here at home.

In a separate process with a separate vote Congress will have to decide whether to approve or reject this new trade agreement and to grant NTR status to Vietnam. Given that the agreement has yet to even be transmitted to the Congress, the number of legislative days before the body's scheduled adjournment, this Member believes that these decisions will not be made until the 107th Congress meets next year. Thus, the Jackson-Vanik waiver simply ensures that the modest trade opportunities currently available to American businesses will continue until Congress considers the agreement.

Sixth, contrary to the claims of some opponents of the Jackson-Vanik waiver, renewal of the Jackson-Vanik waiver does not automatically grant NTR status to Vietnam. The waiver only allows American exports and investments to be eligible for such coverage. Each must face separate individual reviews against each program's relevant criteria.

Mr. Speaker, Americans must conclusively recognize that the war with Vietnam is over. With the restoration of diplomatic relations in 1995, the United States and Vietnam embarked on a new relationship for the future. It will not be an easy or quick process. Vietnam today remains a Communist country with very limited freedoms for its citizens. Significant reforms must occur before relations can be truly normal. The emotional scars of the Vietnam war remain with many Americans. In the mid-1960’s, this Member was an infantry officer and intelligence officer with the First Infantry Division. Within a month of completing my service, members of that division were in Vietnam and taking casualties the first night after arrival. Like other Vietnam-era veterans, this Member has emotional baggage. A great many Americans have emotional baggage about Vietnam, but the Member would suggest that it is time to get on with our bilateral relationship and not reverse course on Vietnam.

Passing this resolution of disapproval of the Jackson-Vanik waiver would represent yet another reflection of animosities of the past at a time when Vietnam is finally looking ahead and making changes towards its integration into the international community. A retrenchment on our part by this disapproval resolution is not in America's short and long term national interests. Accordingly, this Member strongly urges the rejection of House Joint Resolution 99.

Mr. McNULTY. Mr. Speaker, I would like to inquire of the Chair about the procedure for closing statements?

It is my understanding that the order of the work in the gentleman from California (Mr. ROHRBACHER), followed by the gentleman from Louisiana (Mr. JEFFERSON), followed by myself, and then followed by the gentleman from Illinois (Mr. CRANE); is that correct?

Mr. SPEAKER. (Mr. OSE). The gentleman’s understanding is correct.

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

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

Mr. BLUMENAUKER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. JEFFERSON) for yielding me this time, and I strongly associate myself with the comments of the gentleman from Nebraska (Mr. BEREUTER).

I too rise in opposition to this resolution and support President Clinton’s decision to waive Jackson-Vanik requirements for the next year. This would absolutely be the worst thing we could do at this point, undercutting the outstanding work that Ambassador Peterson and our team has done in terms of continued progress in improving our relationship. I yield the balance of my time.

This debate is absolutely not about some hypothetical huge potential trade deficit with Vietnam. The amount of trade involved is minuscule at this point and is not going to be, under the wilder circumstances, anything significant in the foreseeable future.

It is absolutely not about closing United States’ factories and shipping
this process overseas. The goods that have been identified here as the primary products for Vietnam are not things that the United States is specializing in right now. Most of those products are already manufactured overseas, shifting the labor problem overseas.

And it is categorically not about slave labor. That is absolute nonsense and referenced by someone who clearly has never seen the activity that is going on now in Vietnam factories. I am informed by our embassy in Vietnam that there have been dozens of strikes already this year. And if we talk to the men and women who have done work in Vietnam, we see that even in this area progress is being achieved.

Mr. Speaker, this House is poised to make some very significant accomplishments in foreign policy; a historic realignment of our policy with China. Last week’s vote sent signals about being real about our relationship with Cuba. There are some absolutely ineffectual activities in the past. We are now on the verge of doing the same with Vietnam. I strongly urge rejection of this resolution and keeping us moving in this direction.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, again, we should take a look at what is being said here today and what the central issues are. We have heard that if we vote today for this resolution, that these subsidies for businessmen who go over there, who close factories in the United States and open up factories to produce goods with the slave labor in Vietnam and export them to the United States, will not automatically have these subsidies available.

We keep getting these words that should make it very clear that is what this debate is about. The debate is about whether or not U.S. taxpayers are going to subsidize American companies to close their doors in the United States, go over there and take advantage of, yes, slave labor.

I am not impressed when I hear that there have been strikes in Vietnam. The question is what happened to the strikers after the strike. The question is whether those strikers had a right to form a union and to try to peacefully advocate their own position, which is the right of every person in a free society.

There has been no progress reported in labor relations in Vietnam. There is no progress in terms of a free press, no progress in terms of religious freedom, no progress in terms of an opposition party. So where is this progress? We are rewarding the Communist government of Vietnam for continuing its repression.

As far as Mr. Peterson’s report, this is the third time this year that I have ever heard of a report that there are records from a prison available. Let me note this, and I have just spoken to the gentleman from Nebraska (Mr. BERERUTER), chairman of the committee, that it has never been reported to him; it has never been reported to me, a senior member of the Committee on International Relations and the Subcommittee on Asia and the Pacific, that those records have been available.

Now, how long have they been available? We are being told this right now, during this debate, that records that have been denied us for 30 years of our demanding are now made available to us. Let me just say if that is the case, and those records have been available and it has not been reported to the oversight committee of the United States Congress, there is something wrong with our State Department or something wrong with the process.

And I would put on the record today that I expect to see those prison records. I would put this on the record for our ambassador to Vietnam that I expect those records to be forthwith and immediately so that they can be examined in relationship to the MIA-POW issue. Those records have not been made available to us. We have not had that forthright effort, and it is wrong to spring this in the middle of a debate on the floor on this issue.

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

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise this morning in support of maintaining the President’s waiver of Jackson-Vanik for Vietnam and in opposition of this resolution.

Our policy of engagement with Vietnam is our most effective tool for influencing Vietnamese society and achieving positive relationships with that country. With engagement, we are able to insert American ideals of freedom and liberty to the Vietnamese people. Furthermore, as a global leader in economic enterprise, American companies are poised to expand even broader commercial ties and influential relationships throughout Vietnam.

I can tell my colleagues that our presence in Vietnam impacts their society in all areas, from commercial relations to worker rights.

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Moreover, as a Vietnam veteran, I believe that the coordination and operation of the Vietnamese government in the recovery of remains of our servicemen is essential and has been extremely successful and possible through our policy of engagement.

Clearly, additional progress must be made in Vietnam on a whole range of issues including trade, human rights, religious freedom, and freedom of expression. However, we can only do that through a policy of engagement. We all agree that there are available political and democratic reforms as well as more open access to Vietnamese markets in order to address the large and growing trade imbalance.

In my view, the most effective way to bring about improvements in trade, human rights, and political and religious freedoms and to maintain other progress in successful joint searches for veterans’ remains is through continued engagement with Vietnam. The President has made inroads and increased contacts with the Vietnamese people so that they can learn and appreciate the values of democracy and the values of freedom.

If we do not support the President’s waiver of Jackson-Vanik for Vietnam, the result will be that it will cause us to disengage and withdraw. This will harm and not improve our situation with Vietnam.

Removal of Vietnam’s status would likely result in the withdrawal of American goods and, therefore, American values.

I strongly urge everyone in this House to support the waiver of Jackson-Vanik for a status for Vietnam and vote against this resolution.

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

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

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

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in strong opposition to the resolution and thank my friend and colleague, the gentleman from Louisiana (Mr. JEFFERSON), for giving me this opportunity to speak.

There is no question that the Vietnam War strained the very fiber of our nation, however, the time has come to reconcile the discord of the past. Including trade in our new diplomatic relationship with Vietnam will allow us to create a positive partnership for the future.

In January, I traveled to Vietnam and was struck by the evolution of their economy and the progress which has occurred to provide opportunities for both our countries.

Mr. Speaker, in our increasingly global economy, shutting Vietnam out would be detrimental not only for the people of Vietnam and southeast Asia but for American citizens and businesses, as well.

In the shadow of the historic market-opening agreement made only this month thanks to the efforts of U.S. Ambassador Pete Peterson, it would be a step backward for Congress to approve legislation to deny Vietnam eligibility for U.S. trade credits.

Opening the Vietnamese markets will not only provide an economic boon for both Vietnam and the U.S. but will improve trade between the two nations, and that will go a long way toward healing the wounds both nations have been nursing for decades.

I urge my colleagues to oppose this resolution.

I rise in strong opposition to the resolution and thank my friend and colleague from Louisiana Mr. JEFFERSON, for giving me the opportunity to speak.
The Vietnam war is the war of my generation and I will always have strong feelings regarding the longest war in our country's history and the conflict which strained the fiber of our nation.

In January, I traveled to Vietnam and was struck by the progress which has occurred to provide opportunities for both our countries.

Mr. ROHrabacher. Mr. Speaker, could I get the time that is left for all of us and what sequence of what we will be making the closing arguments?

The SPEAKER pro tempore (Mr. Ose). The order of close shall be the gentleman from California (Mr. Rohrabacher) first, the gentleman from Louisiana (Mr. Jefferson) second, the gentleman from New York (Mr. McNulty) third, and finally the gentleman from Illinois (Mr. Crane) will have the final word.

The amount of time remaining for the gentleman from California (Mr. Rohrabacher) is 2 1/2 minutes, for the gentleman from Louisiana (Mr. Jefferson) 1 minute, for the gentleman from New York (Mr. McNulty) 4 1/2 minutes, and the gentleman from Illinois (Mr. Crane) 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I ask my colleagues to join me in support of this resolution. Mr. Speaker, I would ask my colleagues to support this resolution. Let us today take a stand for principle. Let us send the message to the world and to the American people about what America stands for.

Today we are really a government that simply can be manipulated by large financial interests, billionaires who want to invest in various parts of the world under a guise of globalization.

Is that what we are all about? No. We have Mr. Lafayette who watches us today. We have George Washington who watches us today. Is that the America that they fought for? Is that the globalization they had in mind?

The globalization our forefathers had in mind were universal rights where the concept of the United States stands as a hope of liberty and justice for the world, not just that we are a place where people can come and do business together. Yes, we believe in that and that our businessmen have a right to do business overseas. Yes, they have a right to do that. But there is some higher value involved with our country.

We can reaffirm that today, and not only reaffirming that principle that human rights and democracy means something, but at the same time, watch out for the interests of the American people.

We see this American flag behind us. What does that flag stand for? It stands for number one, we believe in liberty and justice and independence and freedom. We believe in those things our Founding Fathers talked about 225 years ago. Number two, it also stands for that we are going to represent the interests of those American people who have come here to this country and become citizens of our country.

It is not in their interest, and it is not in the interest of human freedom that we subsidize American businesses to go over and do business in dictatorships throughout the world that throw the leaders of strikes in jail 2 days after the strike is over, dictatorships where they do not allow any opposition parties or freedom of religion.

There has been no progress in terms of human rights. And now we are talking about offering a perverse incentive again today. That is what this debate is about, to our businessmen to close their doors here, not watching out for the interests of the American people, but instead making sure that these business men can go over and use that slave labor.

Those people in Vietnam have a $300 a year per capita income, and they are going to be exploited by American businessmen.

Let us speak for this resolution. Let us not give them this waiver. Let us put them on notice that they have a year to clean up their act, and then we can grant them some concessions if they have progressed in those areas.

I ask for this resolution. Mr. JEFFERSON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I think it is important to keep in mind what this legislation is all about. It is not to cure all these difficulties that exist between the United States and Vietnam, nor between the debate over democracy versus communism. It is strictly about providing greater access for immigration and our review of whether or not that is taking place in that country in sufficient capacity to permit us to continue with the waiver.

Since the 1980s, over 500,000 Vietnamese people have emigrated as refugees of that country to the United States. An Associated Press report that while there are bribes and corruption, these are isolated incidents and this is not a form of government policy in Vietnam.

And so Vietnam is meeting the requirement for us to continue the waiver, and that is all that is important here. While incident to this there will be permission of OPEC and Ex-Im Bank to engage and support U.S. businesses there, that is not the overriding purpose of what we are doing here.

And so Vietnam has met its obligation.

It is time for our country to step up and meet its obligation as well and to permit the Jackson-Vanik waiver to continue and to permit people to continue to enjoy free immigration to this country.

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

Mr. Speaker, I thank Ron Cima and Chuck Henley of the Office of the Secretary, and for the briefing that Mr. Secretary of Defense for the briefing that I received from my fellow congressmen—Mr. McCauley of the Office of the Secretary, Mr. McAnulty, who endured torture as prisoners of war, had it not been for people like Pete Dalessandro, a World War II Congressional Medal of Honor winner from my district who was just laid to rest last year in our new veterans' cemetery in Saratoga, had it not been for them and all of the men and women who wore the uniform of the United States military through the years and put their lives on the line for us, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on Earth.

Freedom is not free. We paid a tremendous price for it. And we should always remember those who paid the price.

So today, Mr. Speaker, based upon the comments that I made earlier on behalf of all 2,014 Americans who are still missing in southeast Asia, on behalf of their families, I ask my colleagues to join me, the American Legion, the National League of POW/MIA Families, the National Alliance of POW/MIA Families, the National Vietnam Veterans Coalition, the Veterans of the Vietnam War, and the Disabled American Veterans in supporting this resolution of disapproval.

Mr. CRANE. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to just make one brief concluding remark, and it has to do with the events in Vietnam that all of us have recollections of.

My two kid brothers served over there. I know that we all had a concern not just for the welfare of our friends, neighbors and relatives, but we had a concern about the Vietnamese people, too.

I think it is important for us to recognize that since the Vietnam War ended that there is a whole new Vietnam that has come into existence. It is time for us to join with the Vietnamese people in Vietnam were not alive at the end of the Vietnam War. As this new population has taken over the country, I think it is important for us to lend our efforts in advancing the Vietnamese country and people toward those civilized values that we cherish.

For that reason, I think the Jackson-Vanik waiver is a very tiny but incremental and important step in that direction. And for that reason, with all of you who are supporting H.J. Res. 99, I would urge my colleagues to vote no on H.J. Res. 99 and keep us moving in the right direction.
Mr. ROHRABACHER. Mr. Speaker, I am surprised to hear for the first time today that the Vietnamese communists have made available the records of one of the prisons where Ambassador Peterson was held. In response, I just asked Ambassador Peterson which records he was referring to. Unfortunately, the records of those of us who are not from the prisons in which he was held early during his captivity, for which I am most concerned that some Americans may not have returned from. I do not doubt that Ambassador Peterson is being honest that commanders from those prisons may or may not know where the records are after so many years. However, they as individuals were not the record keepers. The Vietnamese communist government kept many overlapping records on prisoners they held in Vietnam, Laos and Cambodia or transferred from Indochina to other communist countries. It is those meticulous records that I am concerned about and to which my request to communist officials in Hanoi has not been addressed.

Former American POWs such as Mike Benge and Colonel Ted Gady have told my staff and I how they were repeatedly interviewed and had written records made by overlapping Vietnamese communist intelligence and military organizations while they were transferred between Laos and a number of prison camps in Vietnam. U.S. officials have to this day not had those records made available to them by the Vietnamese regime.

In addition, there are some 400 Americans who U.S. intelligence agencies have identified as having been alive or who perished under Vietnamese communist control. The Vietnamese regime could easily account for these men, but to this day, refuse to do so. Finally, the CIA and DIA have verified the validity of the testimony before Congress by a Vietnamese communist who testified to processing hundreds of deceased American prisoners' remains for storage, and care.

He testified that the organization he worked for kept meticulous records of the deceased Americans, processed the remains for storage, and carefully packaged and labeled personal belongings of the deceased Americans. To this day, none of that is said to be released—what could resolve the fate of scores of missing American servicemen—have been made available by the Vietnamese regime.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution and urge my colleagues to uphold the current Jackson-Vanik waiver.

The Jackson-Vanik provision of the 1974 Trade Act was intended to encourage communist countries to relax their restrictive emigration policies. At the time, the Soviet Union was permitting only Jews to emigrate to the United States and Israel.

The Jackson-Vanik waiver specifically granted the President the power to waive the restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls.

To avoid confusion among some of my colleagues, this waiver does not provide Vietnam with normal trade relations. Ironically, the economic incentives provided in the Jackson-Vanik waiver actually favored U.S. firms doing business in Vietnam.

Chairman, Senator Scoop Jackson was a staunch anti-communist. Yet, he was willing to consider to incentives to encourage the Soviet Union to relax its emigration policy.

In 1998, Charles Vanik, former Member and co-author of the Jackson-Vanik provision, sent me a letter expressing his strong opposition to the motion to disapprove trade credits for Vietnam and upholding the current waiver.

Vietnam is experiencing a new era, driven by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment.

The Vietnamese Government has made significant progress in meeting the emigration criteria in the Jackson-Vanik amendment. Through a policy of engagement and U.S. business investment, Vietnam has improved its emigration policies, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of POW/MIA's from the Vietnam War.

Despite problems of corruption and government repression, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open and respect human rights and follow the rule of law.

U.S. Ambassador to Vietnam, Pete Peterson, our esteemed former colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam. Renewing the Peterson-Vanik waiver will increase market access for U.S. goods and services in the 12th most populous country in the world.

Disapproval of this waiver will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Mr. Speaker, last year we debated and soundly rejected a similar disapproval resolution. I urge my colleagues to do the same today and uphold the presidential waiver of the Jackson-Vanik requirements.

Mr. LOFGREN. Mr. Speaker, I rise in support of H.J. Res. 99. I represent San Jose California, a community greatly enhanced by the presence of immigrants. Many years ago, as a Supervisor on the Santa Clara County Board of Supervisors I worked with refugees escaping a brutal and oppressive political regime.

As an immigration lawyer, I did my best to help these courageous individuals adjust to their new life. During that time, I met families torn apart by a government that would not let them leave unless they escaped. All of these families sacrificed—so that some of them could see freedom.

Over the past two decades these brave people have become my friends and my neighbors. I have learned lessons about freedom and liberty from them. These same people tell me that we must not waive the Jackson-Vanik requirement.

Mr. Speaker, I am a strong supporter of fair trade. I believe that an economic search for open markets often results in a more open society. I believe that an economic dialogue often results in an enhanced political one. I also believe that a trusted economic partner can evolve into a trusted political relationship.

However, not every nation travels the same path to a more open society. In the case of Vietnam, I believe we can achieve more by making Vietnam live up to the free emigration requirements of the Jackson-Vanik amendment to the Trade Act of 1974.

Why? Because Vietnam is so eager for a trade relationship with America that they would improve their human rights policies in order to get it—but only if we insist.

A continuation of our trade policy with nonmarket economies has been the Jackson-Vanik Amendment. This amendment requires that a country make progress in allowing free emigration in order to achieve normal trade status. More than two decades after the end of the Vietnam War, my congressional staff in San Jose continues to help Vietnam American families seeking reunification with a brother or sister, a mother or a father, a son or a daughter.

Think of what this resolution says to them. More than two decades after the end of the Vietnam War, they are still waiting for a loved one. And in the face of their wait, we are exploring the extension of normal trade relations to a nation that still holds those captive who would leave if only they could.

I understand my colleagues when they say Vietnam has changed. It has changed, but not enough. In a 1999 review of Vietnam's human rights record, the State Department reached the conclusion that Vietnam's overall human rights record remained poor. The report pointed out that "the government continued to repress basic political and some religious freedoms and to commit numerous abuses." The report pointed out that the government was "not tolerating most types of public dissent." Additionally, reports from human rights organizations indicate that he Vietnamese government has tried to clamp down on political and religious dissidents through isolation and intimidation. Dissidents are confined through house arrest and subject to constant surveillance. During her trip to Vietnam Secretary Albright said that the bilateral relationship between Vietnam and the United States "can never be totally normal until we feel that the human rights situation has been dealt with."

The essence of this debate is freedom—how we can best achieve greater freedom for the Vietnamese people and how we as a nation can more greatly influence the government to create a more open society. I believe that course is to pass this resolution. After all, leverage is no longer leverage once it is given away. I urge my colleagues to support H.J. Res. 99.

Mr. DAVIS of Virginia. Mr. Speaker, I rise in support of H.J. Res. 99, Disapproving the Extension of Emigration Waiver Authority to Vietnam.

While the United States and Vietnam signed a trade agreement last week which requires Vietnam to overhaul its economy, by reducing tariffs on a range of goods and allowing foreign firms to participate in businesses in Vietnam, the resolution on the House floor today is whether Vietnam allows free and open emigration for its citizens. In 1999, President Clinton granted Vietnam a waiver of the Jackson-Vanik Amendment's on this condition. Unfortunately, not much improvement can be cited nor documented. "Boat People, SOS," an organization that monitors the treatment of former Vietnam refugees reported that there is significant corruption in Vietnam and the Vietnamese government continues to exclude thousands of former political prisoners and other persons seeking reunification with family members. Disapproval of this resolution would strengthen our hands in encouraging Vietnam to make progress in human rights by granting it the Jackson-Vanik waiver.

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attended the third time.

Mr. ROHRABACHER. 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 91, nays 332, not voting 11, as follows:

- Aker Todd Green (WI)
- Andrews Getchick
- Aderholdd Nettrest
- Bacal Held (TX)
- Baca Hayes
- Barr Hayworth
- Bartlett Hetten
- Bonilla Hill (MT)
- Bono Hillary
- Brown (OH) Holdin
- Burton Hunter
- Buyer Hyde
- Chabot Jackson-Lee (TX)
- Cerow-Harge Johnson, Sam
- Collins Kaptur
- Cook Kaseh
- Cox Keli
- Davis (VA) Keldie
- Daz-Balart King (NY)
- Dolittle Kucinich
- Dunn Lunder
- Ehrlich Lazo
- Everret Leibos (GA)
- Forbes Lofgren
- Fossella Logren (FL)
- Goode McIntrye
- Goodling McIntrye
- Green (TX) Menendez

- YEA—91
- Metcalf Paul
- McKeon Pombo
- Page Pitts
- Pomeroy Riley
- Possoe Roget
- Ros-Lehtinen Royen
- Sanchez Sanders
- Shadegg Saxton
- Shерwood Schaffee
- Smith (NJ) Souder
- Smigiel Stump
- Sweeney Taylor (MS)
- Taylor (NC) Sweeney
- Wamp
- Wamp
- Wamp
- Wamp
- Wamp
- Wamp
- Young (FL)
- McNulty Menendez

- NAY—332
- Emmeron
- Ackerman Engle
- Ackerman English
- Ackerman Eshoo
- Ackerman Etheridge
- Ackerman Evans
- Ackerman Farr
- Ackerman Fattah
- Ackerman Fletcher
- Ackerman House
- Ackerman Frank (MA)
- Ackerman Frank (NY)
- Ackerman Frelinghuysen
- Ackerman Frost
- Ackerman Ganske
- Ackerman Gejdenson
- Ackerman Gejas
- Ackerman Gephart
- Ackerman Gibbons
- Ackerman Gillis
- Ackerman Gonzalez
- Ackerman Goodlatte
- Ackerman Gordon
- Ackerman Goss
- Ackerman Greenfield
- Ackerman Hall (OH)
- Ackerman Hansen
- Ackerman Hill (FL)
- Ackerman Hill (GA)
- Ackerman Hill (GA)
- Ackerman Hill (GA)
- Ackerman Holt

- VOTING—11
- Barton Gilman
- Clay Granger
- Cubin Jenkins
- Ewing McIntosh

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Messrs. EHLERS, DE MiNT, CROW-LEY and Ms. BERKLEY changed their votes from ‘‘aye’’ to ‘‘nay.’’

Messrs. DUNCAN, SOUWER, WA-SPER, BACHUS, FOSSIELLA, BONILLA, BARTLETT of Maryland, and JONES of North Carolina changed their vote from ‘‘nay’’ to ‘‘aye.’’

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT

A message from writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.
Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 563
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 in the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered under the five-minute rule. Points of order against provisions in the bill in failure to comply with clause 2 of rule XXI are waived except against section 153. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments for the purpose of debate, and the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report shall be debatable for the time specified in the report to be equally divided and controlled by the proponent and an opponent. Finally, the amendments printed in the report shall not be subject to amendment and shall not be subject to a division of the question in the House or in the Committee of the Whole.

The rule permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill, to reduce the time for which they are to be considered as read, 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 division for 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides a motion to recommit, with or without instructions, which is the right of the Speaker of the House, to the Committee on Rules.

Mr. Speaker, House Resolution 563 is a modified open rule providing for consideration of H.R. 4942, the District of Columbia Appropriations Bill for fiscal year 2001.

The rule waives all points of order against consideration of the bill and amendments. It waives consideration of all general orders except one motion to recommit with or without instructions, except one motion to recommit with or without instructions, except one motion to recommit with or without instructions.

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The rule waives all points of order against consideration of the bill and amendments. It waives consideration of all general orders except one motion to recommit with or without instructions, except one motion to recommit with or without instructions, except one motion to recommit with or without instructions.
Mr. Speaker, last year the D.C. appropriation bill was considered with six times the usual social riders. The Republican majority seems willing to impose on the residents of the District, but not on their own constituents. Again the bill contains veto bait such as barring the District from using its own local funds to provide abortion services to low-income residents, or implementing its own domestic partnership law.

But to add insult to injury, this rule makes in order two amendments that the delegate from the District of Columbia asked the Committee on Rules to deny. These two amendments, one relating to the issue of needle exchange and one relating to the sale of tobacco to minors, are perennial Republican favorites on this bill. I hope that the other side that for 30 years you controlled this House, and if you take a look what happened to Washington, D.C., in those 30 years of neglect, look at the systems that are typical of the United States we fought for education. Members of Congress, the President, the Vice President, all send their children to private schools. Why? Because the D.C. system has been so terrible.

But I want to tell you, I have been in some of those schools. I have seen some wonderful dedicated teachers and schools. But where you have roofs that are caving in, that the fire department has to shut down those schools, that we do not have the support over that 30 years for education systems, something is wrong.

We came in and appointed boards. Another bright light is Mayor Williams. He has got a monumental task at hand to get through that bureaucracy that he has; but if you look at education and what we have done, we fully funded charter schools. When my own party in the last Congress wanted to reduce the amount of funds for the public schools, the gentleman from Virginia (Mr. Moran) and I, and said we reward schools for going to the D.C. appropriation by thanking the gentleman from Oklahoma (Mr. Istoook) for his hard work on this bill. The gentleman and I have had disagreements on this bill, but I appreciate his efforts to work out some of those disagreements with me. I want to thank the gentleman from Virginia (Mr. Moran) for his strong advocacy and work for the District as well. Mr. Speaker, I oppose this rule shot through with financial, operational, and social intrusions that should concern no one unless you happen to be a resident of the District of Columbia. D.C. is once again bringing the entire body to bear on the District of Columbia. Here is hoping that the number 13 in the appropriations cycle has nothing to do with bad luck.

This should be the easiest of the 13 appropriation bills. We have or should bother to acquire familiarity with the complicated, necessarily parochial operations of a big American city that is not their own.

Mr. Speaker, I oppose this rule because the bill before us is full of avoidable problems any city would have to find objectionable.

First, movement of available funds from D.C. priorities to others chosen by the subcommittee without any consultation with the District.

Second, movement of riders, and not only social riders, but riders that are so old that they are laughably out of date or redundant because the provisions are already in the D.C. code or Federal law. Anyone scrutinizing the D.C. appropriation would find attachments so dated or irrelevant as to cast doubt on the committee's work product.

With a lot of hard work and sacrifices, the District has emerged from insolvency, but the city has no State to fall back on and has urgent needs it cannot possibly fund. City officials requested funding from the President for some urgent priorities. The White House chose to fund just a few of them. The city understands, of course, that the subcommittee's 302(b) allocation was cut, and, therefore, all the District's priorities could not be fully funded. The city fully understands that the shortfall was beyond the subcommittee's control. Those funds must be restored. However, at the very least, the District cannot be expected to endorse transfer of whatever funds are left over after
July 26, 2000

CONGRESSIONAL RECORD—HOUSE

H7023

The cuts to items not in the first tier of the city’s own urgent priorities.

The White House funded the state functions that are now Federal responsibilities and added $66.2 million for priorities negotiated and ratified by city officials. A cut of $31 million from the 2002 budget left only $34 million.

Instead of redistributing the scarce remaining funds to the District’s stated priorities, $13.85 million for new mail service, added to the appropriation. How can items be added to an appropriation that has been cut? The only way to do this, of course, is to cut funding for the priorities the city has stated it must have. Yet, new items were added, for example, funding for the Arboretum, a Federal facility funded by the Agriculture Department that never before has appeared in a D.C. appropriation. Adding new items guaranteed that the District’s priorities would be downgraded and defunded.

What was left after a combination of cuts and new additions was predictable: $7 million instead of $25 million for D.C.’s top economic priority, a New York Avenue subway station, not in great jollification instead of $17 million for the D.C. College Access Act, despite a letter from Mayor Williams requesting funding for juniors and seniors previously excluded because it was erroneously thought they would be automatically covered.

The subcommittee says to the District, pay for critical items like the New York Avenue Metro station, not from Federal funds, but from interest on D.C. funds held by the Control Board.

This requirement remains in the bill, despite a letter from the Control Board Chair, Alice Rivlin, that says that such funds no longer exist, but, to quote her words, “have already been included by the District as a source of funds to support government activities.”

The requirement to pay for the subway from interest remains in the bill, despite the fact that D.C. could never pay for the great majority of a subway station’s cost itself and was able to make a commitment to use its own funds for a station only because the OMB and the private sector had each committed to pick up one-third of the cost.

Mayor Williams wrote to Chairman Istook: “In the case of the New York Avenue Metro, the reduction in Federal funds has sent a chilling message to the business community who have expressed interest in bringing business to the District. The $22 million cut greatly imperils the District’s ability to secure the private funds that were to be leveraged by the public allocation. Local businesses have made investments in the city based on this project. Without full funding, the success of this effort is jeopardized. I urge you to fund this.”

It is one thing for the subcommittee to make cuts; it is quite another for the subcommittee to nullify the District’s carefully thought-out priorities. Adding funding controversy to the attachments disputes that always surround this appropriation has not helped this bill, for we also will waste a lot of time discussing riders today. It is a wasted time because, in the end, the debate is not about the bill; and to get the bill signed at all, they are removed or substantially changed.

The chairman indicated these riders simply reflected those transmitted by the President from prior years. OMB has worked at it to remove riders from prior years that are outdated, no longer relevant or are already included in D.C. or Federal law; and the city has moved to make other riders permanent that should be permanent a part of D.C. law. The Chairman must prefer long and wasteful debates, because he has reinserted into the bill not only the very few that were social riders, but all the redundant, outdated, and irrelevant riders as well.

What is the point, if we ever were striving to get a bill that could be signed? When even steps to remove patently irrelevant material provokes disagreement, we seem well on our way to a veto of the D.C. bill.

I had a letter this year. Please oppose this rule.

Mr. LINDER. Mr. Speaker, I yield such time as he might consume to the gentleman from Oklahoma (Mr. Istook), the chairman of the subcommittee.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for the opportunity to speak.

Mr. Speaker, I rise in support of this rule, which enables us to go forward with this bill which, in addition to the District of Columbia’s own tax revenue, and budget allocates $434 million from the taxpayers in the rest of the United States of America to the District of Columbia.

Now one might have thought, from listening to people, that we are not doing anything for the District of Columbia, and here is $434 million, Federal money from the rest of the country, not going to New York City, not going to Chicago or Los Angeles or Oklahoma City, we do not make direct appropriations to those communities or to any others, only the District of Columbia. This is in addition to its own tax revenues and budget, in addition to qualifying for Federal grants from all sorts of other sources. In addition to those, the District of Columbia gets $434 million directly from the Federal Government.

Now, I heard the gentlewoman from the District of Columbia (Ms. NORTON) in this House say, and I think these were the words, that what happens here should not concern anyone not a resident of D.C., and said people should not be concerned with a city not their own. If that were the case, we would not be talking about $434 million for Washington, D.C., but we are because Washington, D.C. is not just another city.

One thing they wanted to be sure was that the Nation’s Capital was in harmony with the rest of the country. We do not want one thing going on in what is supposed to be a city not the same, not the same regime of the country. We do not want one set of standards in the Nation’s Capital that is inconsistent with Federal law or that is inconsistent with the values of the Nation.

To create that consistency, the Constitution says legislative control over the Nation’s city belongs to the Nation.

I realize that is difficult sometimes for people that live here to recognize why it is set up that way, but to say that it should concern people who are not residents or this is a city that does not belong to the rest of the country, I have to disagree. When one comes here and they see the best of the Nation, they see the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, the new memorials to FDR, to Korean veterans, the Vietnam veterans, the one underway for World War II veterans, they see those things and they get a sense of inspiration from it. Then to be told, oh no, they are not a part of this, this is not their city, sure it is. It is the Nation’s city.

That is why we do things and will do things here today, to try to make sure that Washington, D.C. is in harmony with the Nation. If we are not the Nation’s city we would have the hundreds of thousands of people that are employed here because the Federal Government is located here. If the District of Columbia would not have that guarantee of employment, of revenue, of opportunity that comes with it. It would not enjoy that.

The District also would not have the burdens that come with it; the presidential inauguration, for example, coming up. One of the things in this bill is approximately $6 million to reimburse D.C. for special expenses that it will have when the presidential inauguration occurs. The security needs, all the influx of America’s office here for the presidential inaugural. Now some cities would be saying, hey, that is great for business, that is great for...
tourism; we do not need the extra money to pay for these additional costs; that revenue itself is going to be enough.

We have not taken that approach with D.C. We have said they have an extra cost to help them with that. So some of the money which the gentlewoman complains about, and says I wish it were applied some place else, is to reimburse the District of Columbia for this expense when they have to have that extra work by their transit people, their public safety people, their people that work with waste disposal, with cleaning up afterward. It is a big expense, and we are trying to be responsible and taking that.

Washington, D.C., in addition to $414 million of Federal money from the rest of the country under this bill, still qualifies the same as any other municipality and school district in the Nation to receive Federal grants, Federal assistance, Federal funds that help their schools. In addition, they get transportation grants.

One of the considerations of which the gentlewoman complaints is to improve the ability of Washington, D.C. to fully qualify for grants from the Environmental Protection Agency, because they do have pollution problems, especially the Anacostia River. We provided up to $1 million to help with cleaning that up. We are doing these things because we do believe Washington, D.C. belongs to all of us. We do not all live here. There is a difference between people who live here and people who do not, but that difference is not to say that the Nation's Capital does not belong to all of us. It does belong to all of us. It must belong to all of us, and if we want to have pride in this country we have to have pride and confidence in that is happening in Washington, D.C.

If we find out that the District is going off in a totally different direction and thereby become the symbol for that country, we have to make sure that it is in tune instead. Sometimes the local officials do things and Congress says, no. If you were in New York, if you were Chicago, if you were Detroit, if you were Phoenix, if you were Harlem, if you were Wisconsin's Madison, any of these other communities, we would not do that because they are not the Nation's Capital. They do not belong to all of us, but we will do some things differently.

This rule makes in order an opportunity to consider those things, and Members have had the opportunity to present them.

Now I heard the gentlewoman from the District of Columbia (Ms. Norton) say, well, we have riders on the bill and some of them have been there too long. Well, what was not mentioned was we went through and we dropped 25 provisions that have been carried year after year after year in this bill that we did not see where they served any further purpose. We knocked out 25 of them.

Now, are there some others that still need to go? We are going to look at them and continue to make deletions as we go through the process. If something is actually outdated or covered by some other provision of law, we will continue to look at the ones that remain to do that. But the ones that remain are the ones in harmony with what I have explained, that distinct relationship between the Nation's Capital and the Nation. It is not just another city.

We have in this bill, and this is a program adopted in this bill millions of dollars to provide assistance to any student who has graduated from public school, or private school for that matter, in the District of Columbia. I think the cutoff date is since 1996. This program provides them assistance up to $10,000 a year to go to college. We have not done that for any other community in the country.

We think there are good reasons why we have set it up, because there is a State education problem and there are definitely education problems, major ones, here in the District of Columbia. That program was started last year and every penny necessary for every student who qualifies is fully funded in this bill, plus we reserve fund of about an extra 12 percent.

We hear people say but the President requested more. Well, last year we appropriated $17 million for the program. Guess what? Now that we have had a year to get the program in motion to find out how much it really costs, we found out that $14 million does the job. So there is a $3 million carryover. So we do not need to appropriate as much next year, but we have still gone 12 percent beyond what they figured they needed next year just to be sure.

I just because we do not give the same amount of money as the President requests does not justify coming here and saying, oh, our budget is being cut. No, no, there is such a thing as not cutting a single penny from the budget submitted by the District of Columbia with the control board that has been helping it out with oversight. Not a single penny is cut from their budget.

We have approved their budget, and we have $144 billion of Federal money beyond that.

The Federal Government, a couple of years ago, assumed new responsibilities. We are in charge of funding the cost of the Federal assistance program for the college assistance program is in the bill, paid for. We have provided the money for the New York Avenue Metro station, and they say no, we ought to help double the budget in the last year for the control board so we can have all of these real nice severance pay packages for them.

That is what this debate is about. We have funded the priorities of the District. Every penny that is necessary for the school board has been authorized in this bill. The college assistance program is in the bill, paid for. We have provided the money for the New York Avenue Metro station. Now we were told those are the top two priorities, and we have been responsible and handled them responsibly. Had this been the top two priorities for any other city in the country, do my colleagues think they would get a direct Federal appropriation for it like this? No. They might qualify for Federal assistance through different grant programs and do that and so forth, but they would not just get it handed to them on a silver platter, saying because they are Washington, D.C.
we are going to do something more for them. We are trying to be responsible and do that, and it really galls me to hear some people in the District griping; ‘well, this is being done for us but we want more.’

The rest of the country does not appreciate that. The rest of the country, if they see somebody from Washington, D.C. in their State and the license plate says ‘Washington, D.C., taxation without representation,’ what will they be doing? Something very different than people in the District will think. Others around the country will think, yes, they are taking my money and I am not getting enough representation for it.

Let us have some perspective here. We have a special responsibility for the Capital of the United States of America. It has severe drug problems. It has severe crime problems. It has some decrepit public schools that need improvement for the future of our kids. It has major management problems and a huge bureaucracy that has more confusion and more complexity than the Federal bureaucracy, but still it is the Nation’s Capital and we are doing things trying to help D.C. come back and rebound.

And I hear people come up on this Floor and try to pretend, oh, you are not doing this and you are not doing that. Take a look at what we are doing. This is a good bill. It deserves support from everybody on this body. It deserves support from people who say, I do not want to give money to Washington, D.C., because I do not like a lot of the things they do there. I understand that; I do not like a lot of things the District does either. But it is the Nation’s Capital; it was set up differently under the Constitution. They do not get the same tax base that some people do because of all of the Federal land here.

There are restrictions on construction, for example, of high-rise buildings that do not exist elsewhere, because of national security issues. The District is different. We should be helping the District, whether one is on the right, or on the left, or in the middle. We are doing the right thing with this bill. Because it gives us a fair chance to consider the differences, the rule should be adopted, and the bill as well.

I thank the gentleman for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, this rule should be rejected.

Let me first say to the chairman of the subcommittee, I appreciate his feelings that are inspired by the Federal monuments, whether it be the F.D.R. Memorial, the Vietnam Memorial, the Washington Monument, or the Lincoln Memorial. Of course, that is all on Federal land, it is owned by the Federal Government, it is run by the Interior Department through the National Park Service. That is not at issue here.

What we are talking about here is the people of the District of Columbia who buy their own home, who are responsible for maintaining their own property, who elect their own representatives, and would like their representatives to be able to represent them. We do not like the Congress necessarily to be overruling their elected representatives, because they have no democratic right to hold us accountable, and that is the problem with this bill. The legitimately elected representatives of the District of Columbia are being overridden by Members of Congress who will never be held accountable for what they do to the District of Columbia.

In terms of the budget, we made a deal back in 1997. Basically, because the District of Columbia has no State to support it, there are certain functions that we agreed we would pick up, and those functions are being short-changed in this bill to the tune of $31 million. The bill is even $22 million less than last year’s level. For those reasons, plus four specific reasons, I think this rule should be rejected.

First of all, it protects four Republican amendments, which are all of the Republican amendments that were offered. Those Republican amendments, if they were treated the same way as the Democratic amendments, would be subject to a point of order. The Democratic amendments are all subject to a point of order. The gentleman from the District of Columbia (Ms. NORTON) wanted to offer a “Democracy” amendment. I think she has some very compelling arguments, and I totally agree with them. It is clear that they are going to be ruled out of order. We cannot bring them up, we cannot get a vote on them, because they are not protected. Why? Because they were Democratic amendments.

Secondly, these Republican amendments that could have been ruled out of order are wholly contrary to what we would do to our own citizens in the jurisdictions that we legislatively represent. The Tiahrt needle exchanges amendment inserts new language that will kill the District’s private needle exchange program that is run by a local nonprofit organization. It negates it. We are not doing to have that. It means that, despite what the House full Committee on Appropriations did, this program, run by a private organization, will not be able to operate. No Federal and no local public funds are involved in this program, and yet we are going to ensure that it cannot even operate.

The Bilbray smoking amendment would impose Federal penalties and sanctions on children caught smoking. That is a well-intentioned thing to do, but no other jurisdiction in this country faces a similar Federal penalty for children caught smoking. We would never do that to any district we represent. It is clear that this particular rule is prejudiced on an appropriations bill. There is no one Member of this body that would impose this restriction on any citizen that elects them directly to represent them.

Third, it protects the bill against a point of order that could be raised by the whole house in this bill that are legislating on an appropriations and have no business in an appropriations bill. We do not have those type of legislative restrictions on any other appropriations bills. They are punitive provisions put in to fix one-time situations and left in there.

Lastly, these amendments are a clear violation of the spirit of District home rule, offering amendments that prohibit the District from implementing local initiatives where no Federal funds are involved. It is an abuse of congressional power. With the passage of the 1997 D.C. Revitalization Act that eliminated direct Federal payments to the district, the context and circumstances with which Congress might have justified past intervention is now gone. Federal taxpayer funds are not involved, we should not be involved, and that means we should vote against the rule.

Mr. FROST. Mr. Speaker, I urge a no vote on the rule.

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

Mr. LINDER. Mr. Speaker, I urge all of my colleagues to support this rule so we can begin the important debate on the Washington, D.C. Appropriations bill for 2001.

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

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and the Rules of the House. The Sergeant at Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair notes a disturbance in the gallery in contravention of the law and Rules of the House. The Sergeant at
Arms will remove those persons responsible for the disturbance and restore order to the gallery.

The vote was taken by electronic device, and there were — yeas 217, nays 203, not voting 14, as follows:

[Roll No. 442]

YEAS — 217

Aderholt
Becerra
Barcia
Baldwin
Baird
Baca
Andrews
Allen
Ackerman
Abercrombie
Gekas
Frelinghuysen
Franks (NJ)
Foley
Fletcher
Emerson
Duncan
Dreier
Doolittle
Dickey
Diaz-Balart
Davis (VA)
Cunningham
Cox
Combest
Coburn
Coble
Chambliss
Chabot
Bonilla
Bono
Brady (TX)
Bryant
Burton
Burr
Bosley
Bartlett
Berman
Bays
Baca
Baldwin
Baird
Becerra
Berkeley

NOT VOTING — 14

Barton
Cubin
Cooksey
Coates
Cox
Craner
Cunningham
Davis (VA)
Deal
Delahunt
DeMint
Diaz-Balart
Dicks
Dingell
Dicks
Dingell
Dicks
Dingell
Dicks
Dingell

PERSONAL EXPLANATION

Ms. GRANGER. Mr. Speaker, due to attendance at a funeral, I was not present for several rollcall votes today.

Had I been present, I would have voted "aye" on rollcall 439, 440 and 442. I would have voted "no" on rollcall 441.

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Oklahoma? There was no objection.

DISTRICT OF COLUMBIA
APPROPRIATIONS ACT, 2001

This bill appropriates $414 million for the government of the District of Columbia to operate its metro system, the subway system, its prisons, its courts, and the program of probation or parole. The resolution of the gentleman from Oklahoma (Mr. ISTOOK) makes appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, that Mr. LAHODD in the chair. The Clerk read the title of the bill. The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time. Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. Chairman, this is the appropriation bill that we consider each year for the District of Columbia, the Capitol of the United States of America. In addition to local monies and in addition to monies that the District receives, just as other communities and other States do through different federal programs for transportation, for education, for public assistance, for Medicaid and Medicare, in addition to all of those, this bill appropriates $414 million for the District of Columbia to operate its prisons, its courts, and the program of supervising those that are on some form of probation or parole.
in the District; funding for a special college tuition program that provides thousands of dollars to D.C. students to go to college, dollars that are not provided to students from any other part of the country; providing environmental cleanup monies; or providing assistance in the development and the strengthening of the charter school movement here in the District of Columbia.

I do not want to detail all of them right now. I do not think I need to. Mr. Chairman, as I made the point earlier, this is a different community than any other community in the Nation or we would not be talking about this. We would not be making special money available to D.C. were it not our Nation’s Capital.

We have a Nation’s Capital that was in severe financial straits, basically bankrupt financially, a few years ago; murder rates were at the top of the charts; failure rates in schools at the bottom. This Congress got busy several years ago and created a plan to restructure and restrengthen the District of Columbia, to get it back on its feet. And I want to applaud the people that were involved in this Congress, the people that were involved in the administration, the people involved in the District government, the people involved on the control board that was set up to oversee the District government, who collectively have worked together and have brought the Nation’s Capital out of bankruptcy so that this year, for the fourth straight year, they are going to have a budget surplus. The figure I am hearing is they are looking at a surplus of about $280 million. That is great.

Now, it would not have happened, Mr. Chairman, had the Federal Government not assumed some direct liabilities that other States and communities face themselves, such as I mentioned earlier, the prison system, the court system and so forth. We also assumed some retirement obligations that are not directly appropriated but are paid through the Federal Government, and increased the Federal share of Medicaid reimbursements from 50 percent to 70 percent. So, with that help, and some of it seen and some unseen, but with an agreement of involvement and help of this Congress, the District of Columbia is back on its financial feet. They still have severe problems in schools, with drugs, with crime, but there is also a resurgence of the business community. The D.C. Council—and they deserve all the credit in the world for this—a year ago they led the way saying that D.C. was going to reduce taxes on people here because they wanted people to come back and live in the city. Tens of thousands of people over the years moved out of the District. We want them back and we want to create financial incentives as well as a better and safer place for the people who live here, who work here, and who visit here.

The District has made a lot of financial progress. But everything is not straightened out yet, and we understand that and we are trying to work patiently. There is a new Mayor: Anthony Williams. He is a good man doing a good job, really focusing on working the bureaucracy and getting it whittled down because it consumes resources and it stops things from happening that ought to be happening, whether it is a business that wants a permit or whether it is a matter of running the D.C. General Hospital.

Now, here we have a public hospital that already gets tens of millions of dollars each year in direct subsidies from the District government and still has been going beyond that. They have taken hundreds of millions of dollars in money that was not even budgeted. It was not even budgeted. And here is where I will fault the local government. They took money that was not even budgeted, and hundreds of millions of dollars were supposedly loaned to the hospital and then they wrote off the loans. The District needs to be honest in its budgeting. And taxpayers are not getting their monies’ worth in public health benefits, yet they are paying inordinately high amounts for it. And they are paying through the use of gimmicks such as loans, which they then write off.

I say that as one example of the management problems and the waste problems that are still severe in the District. If they took even half the money that they were wasting and applied it to things like a metro station, or a cleanup problem, or an economic development problem, whatever it might be, they would not need to ask for special money from Congress to help with the revitalization of the District of Columbia. They would have it.

So we are trying to work with them on all fronts. This bill does that. It helps with the charter school movement, which is a part of public schools, but is run differently without the normal school bureaucracy, that is approaching 15 percent of the students in D.C. public schools. These parents have chosen to send their children to a public charter school instead of one of the other regular public schools, and we are trying to help give them equal footing with the regular public schools as far as the way that public resources are allocated and the way the bureaucracy treats them so the bureaucracy does not try to hold them back but, for the benefit of the future of these kids, it lets them advance.

So we will have a debate, Mr. Chairman, on many of these different items. I know it is not all financial. Life is not just all about money, and being the Nation’s Capital and being in harmony with the rest of the country is not all about money either.

I appreciate the gentleman from Virginia (Mr. Davis), who chairs the authorizing committee, the oversight committee. We have not worked with him as smoothly as we should have on many things, but he and his committee have been so supportive of helping D.C. to get back on its feet and helping to make reforms happen in Washington, D.C.

Mr. Chairman, I am submitting here with for the RECORD a chart comparing the amounts recommended in H.R. 4942 with the appropriations for fiscal year 2000 and the request for fiscal year 2001:
## DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2001 (H.R. 4942)
(Amounts in thousands)

<table>
<thead>
<tr>
<th></th>
<th>FY 2000 Enacted</th>
<th>FY 2001 Request</th>
<th>Bill</th>
<th>Bill vs. Enacted</th>
<th>Bill vs. Request</th>
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<tbody>
<tr>
<td><strong>FEDERAL FUNDS</strong></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Federal payment for Resident Tuition Support</td>
<td>17,000</td>
<td>17,000</td>
<td>14,000</td>
<td>-3,000</td>
<td>-3,000</td>
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<tr>
<td>Federal payment for Incentives for Adoption of Children</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
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<td>+1,500</td>
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<tr>
<td>Federal Payment to the Chief Financial Office of the District of Columbia</td>
<td>500</td>
<td></td>
<td></td>
<td>-500</td>
<td>-500</td>
</tr>
<tr>
<td>Federal payment to the Department of Human Services</td>
<td>250</td>
<td></td>
<td></td>
<td>-250</td>
<td>-250</td>
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<tr>
<td>Federal payment to the District of Columbia Corrections Trustee Operations</td>
<td>176,000</td>
<td>134,300</td>
<td>134,300</td>
<td>-41,700</td>
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<td>Federal payment to the District of Columbia Courts</td>
<td>99,714</td>
<td>123,000</td>
<td>95,500</td>
<td>-214</td>
<td>-3,500</td>
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<td>Defender Services in District of Columbia Courts</td>
<td>33,336</td>
<td>38,387</td>
<td>34,387</td>
<td>+1,051</td>
<td>-4,000</td>
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<td>Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia</td>
<td>93,600</td>
<td>103,527</td>
<td>115,750</td>
<td>+21,952</td>
<td>+12,225</td>
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<td>Federal payment of Washington Interfaith Network</td>
<td>2,000</td>
<td></td>
<td></td>
<td>+1,000</td>
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<tr>
<td>Children's National Medical Center</td>
<td>1,000</td>
<td></td>
<td></td>
<td>-1,000</td>
<td></td>
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<tr>
<td>Federal payment for Metropolitan Police Department</td>
<td>6,700</td>
<td></td>
<td></td>
<td>-6,700</td>
<td></td>
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<tr>
<td>Federal payment to the General Services Administration (Lorton Correctional Complex)</td>
<td>1,000</td>
<td></td>
<td></td>
<td>-1,000</td>
<td></td>
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<tr>
<td>Federal payment for Simplified Personnel System</td>
<td>250</td>
<td></td>
<td></td>
<td>+250</td>
<td>+250</td>
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<tr>
<td>Memorial construction</td>
<td>25,000</td>
<td>7,000</td>
<td>7,000</td>
<td>-18,000</td>
<td></td>
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<tr>
<td>(By transfer)</td>
<td>18,000</td>
<td>+18,000</td>
<td>+18,000</td>
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<td>Federal payment for the National Museum of American Music</td>
<td>3,000</td>
<td>250</td>
<td>-2,750</td>
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<td>Federal payment for Brownfield remediation</td>
<td>10,000</td>
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<td></td>
<td>-10,000</td>
<td></td>
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<tr>
<td>Presidential Inauguration</td>
<td>6,211</td>
<td>5,961</td>
<td>+5,961</td>
<td>-250</td>
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<tr>
<td><strong>Total, Federal funds to the District of Columbia</strong></td>
<td>436,800</td>
<td>445,425</td>
<td>414,000</td>
<td>-22,800</td>
<td>-31,425</td>
</tr>
</tbody>
</table>

### DISTRICT OF COLUMBIA FUNDS

#### Operating Expenses

- **District of Columbia Financial Responsibility and Management Assistance**
  - Authority (3,140) (8,500) (3,140) (-3,360)

- **Governmental direction and support**
  - (167,366) (197,771) (164,621) (+21,250) (+3,150)

- **Economic development and regulation**
  - (130,305) (205,638) (205,638) (-15,303)

- **Public safety and justice**
  - (778,777) (762,346) (762,346) (+16,424)

- **Public education system**
  - (807,411) (865,418) (865,418) (+128,007) (+3,000)

- **Human support services**
  - (1,526,361) (1,542,204) (1,532,204) (+5,943) (+10,000)

- **Public works**
  - (271,305) (278,242) (278,242) (+6,847)

- **Receivership Programs**
  - (342,077) (364,523) (365,523) (+14,416) (+5,000)

- **Workforce Investments**
  - (8,500) (8,500)

- **Buyouts and Management Reforms**
  - (18,000) (18,000)

- **Reserve**
  - (150,000) (150,000) (150,000)

- **Financing and Other**
  - (384,048) (331,029) (331,279) (-53,969) (-250)

- **Procurement and Management Savings**
  - (21,457) (21,457)

- **Total, operating expenses, general fund**
  - (4,668,836) (4,887,176) (4,842,416) (+155,580) (+24,760)

#### Enterprise Funds

- **Water and Sewer Authority and the Washington Aqueduct**
  - (279,608) (275,705) (275,705) (-3,903)

- **Lottery and Charitable Games Control Board**
  - (234,400) (223,200) (223,200) (-3,903)

- **Sports and Entertainment Commission**
  - (10,984) (10,986) (10,986) (+122)

- **Public Benefit Corporation**
  - (69,008) (76,235) (76,235) (-7,227)

- **D.C. Retirement Board**
  - (8,692) (11,414) (11,414) (+1,722)

- **Correctional Industries Fund**
  - (1,610) (1,608) (1,808) (+200)

- **Washington Convention Center**
  - (50,226) (52,726) (52,726) (+2,500)

- **Total, Enterprise Funds**
  - (675,790) (654,056) (654,056) (-21,734)

- **Total, operating expenses**
  - (5,362,626) (5,541,232) (5,496,472) (+135,560) (+24,760)

#### Capital Outlay

- **General fund**
  - (1,218,638) (1,029,975) (1,022,074) (+166,504) (+7,901)

- **Water and Sewer Fund**
  - (137,168) (140,723) (140,723) (+1,000)

- **Total, Capital Outlay**
  - (1,415,807) (1,170,700) (1,162,798) (+253,008) (+7,901)

- **Total, District of Columbia funds**
  - (8,778,433) (8,691,930) (8,659,271) (-119,162) (-32,681)

- **Total:**
  - 436,800 445,425 414,000 -22,800 -31,425

- **District of Columbia funds**
  - (8,778,433) (8,691,930) (8,659,271) (-119,162) (-32,681)
Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the District of Columbia has an elected council members; they have an elected mayor; and there are six members on the control board that are not elected but have responsibility. It is more members than we have on the Subcommittee on the District of Columbia of the Committee on Appropriations, and yet we gave the elected representatives of the District of Columbia 1 day of hearings and then turned around the very next day and marked up this bill.

In the markup we decided to impose our fixes on some of the most serious problems that the District faces. For example, let me just give one example. In Anacostia, in the poorest part of this city and one of the poorest parts of this nation, where there are homicides that occur nightly basis because there is some of the worst poverty and desperation, rapes and all the things that occur when too many low-income people are forced into desperate circumstances, they depend on what is called the General Hospital. The folks who use that hospital do not have health insurance, for the most part, and the care they need is very expensive care and it is very difficult to get doctors and health care professionals working there.

So what we decided to do, because they have management problems and financial problems, is to say that D.C. General cannot use its line of credit that occasion basis; there is some of the worst poverty and desperation, rapes and all the things that occur when too many low-income people are forced into desperate circumstances, they depend on what is called the General Hospital. The folks who use that hospital do not have health insurance, for the most part, and the care they need is very expensive care and it is very difficult to get doctors and health care professionals working there.

So what we decided to do, because they have management problems and financial problems, is to say that D.C. General cannot use its line of credit that occasion basis; there is some of the worst poverty and desperation, rapes and all the things that occur when too many low-income people are forced into desperate circumstances, they depend on what is called the General Hospital. The folks who use that hospital do not have health insurance, for the most part, and the care they need is very expensive care and it is very difficult to get doctors and health care professionals working there.

Now, an alternative might have been to consult with the mayor, the city council, the professional experts working on this problem. But we did not do that. We gave 1 day, then imposed our solutions. I do not think that is the way we should be doing things.

Now, we are going to talk at greater length on that when we have a specific discussion on that issue, but it is typical of a number of what are called general provisions in this bill that attempt to legislate and to override what D.C.'s legitimately elected officials are trying to do to solve their own problems. But in addition to that, we are having a funding shortfall. The bill is $31 million short of what the administration and the District of Columbia government requested. It is $22 million below what Congress appropriated for the District of Columbia last year.

Now, can we do that? We are in a time of great surplus. This is one of the cities that needs help the most. It is our capital city, and we made a commitment in the 1997 D.C. Revitalization Act to assume certain responsibilities; to make them Federal responsibilities. And now, in this bill, we are shortchanging the D.C. government, reneging on our commitment to the tune of $31 million. In a $1.7 trillion budget, we are giving $31 million to meet our own commitments? The fact is we can, but we choose not to.

Now, with this lower allocation, what don't we fund? Well, we have two critically needed economic development initiatives in the one is completion of a New York Avenue metro station. The private sector, the business community, said that they would put up $25 million, D.C.'s own taxpayers said they would put up $25 million, and the Federal Government was to put up $25 million as well. This bill does not do that, though. They met their share, we are not meeting our share.

We are putting up $7 million in federal funds. We are going to use $18 million from an interest account that exists, but we find out now that the $18 million does not exist. It has already been used in the D.C. budget that has already been submitted; that has been approved by the District and will become law unless Congress disapproves it, which we will not do.

So the $18 million does not exist. It is a shell game. It is double counted. So we are underfunding the New York Avenue metro station when two-thirds of it is not even being funded by the Federal Government.

And then there is the Poplar Point brownfield remediation project, an excellent project. We agree with it. We give it all the rhetoric and none of the money that it needs.

We will not have the funds to extend the foster care adoption incentives. There are kids languishing in the foster care. There are people that want to adopt them, good parents, and we underfund that. It even underfunds our own Financial Control Board that we set up to oversee the District's budget.

So I do not think that this is a bill that we should be particularly proud of. But even more troubling, once again we are going to debate a series of social riders and address some new ones as well that violate the principle of democracy and home rule and restrict how the District may elect to use its own funds to address its own set of priorities.

Earlier this year I asked the gentleman from Oklahoma (Chairman ISTOOK) if we could not start with a clean appropriations bill this year, clear it of all of last year's general provisions that did not belong in an appropriations bill. The District of Columbia, the Mayor, and the President of the United States followed this recommendation in their budget. But we have not done so.

We have got 68 superfluous general provisions; and in the vast majority of them we would never think of imposing these kind of punitive, paternalistic restrictions on any jurisdiction that we were elected to represent.

Why do we do it to the District of Columbia? We do it to the District of Columbia because they cannot fight back, they are helpless, we have control over them, and they cannot vote us out of office. They cannot hold us responsible. They cannot do a darn thing to us. And so we beat up on them with these kinds of provisions and make ourselves look good back home.

So we are going to offer a series of amendments here. I know we will likely lose them, and many of them are going to be found out of order because of this rule that protected Republican amendments and did not protect the Democratic initiatives.

One of them deals with a controversial issue, medicinal use of marijuana. It seems odd that if D.C. took a referendum, and we prevented them for the last year from even counting the results of that referendum.

Well, that is not the responsible way to address a controversial issue. I will not get into that any further except to say this is not the way that we treat a community; it is not the way we would treat communities within our district.

We have got a domestic partners law, and it says that D.C. cannot offer health insurance for domestic partners. But yet 3,000 employers across the country do it in any number of State and local jurisdictions. We never recognize any of those State or local jurisdictions. We did not tell employers they cannot do it, but we tell D.C. it cannot do it.

There is a Contraceptive Coverage Act that has received a lot of publicity. It seems odd that if no insurance company is going to cover things like Viagra for men, it ought to cover contraception for women. That seems only fair and equitable.

We put in legislation that said that they cannot do that unless they include the kind of religious exemption and ability to opt out on the grounds of moral objections, which makes sense, except that it is very broad and, again, we do not do it to anyone else. I think D.C. should be able to control these issues on their own. They are the ones that are being held responsible. The Mayor is going to pocket veto the contraceptive coverage and insist on the kind of religious exemptions.

But let him do it. He is held accountable. Let them make that kind of decision. It is not up to us to be doing that.

And the same legislation exists in 13 States. We are the only state to restrict them in any of those States that we have legitimate control over. Again, there are a number of specific situations that are objectionable in this bill. We have 68 general provisions that are objectionable. Why are they there? They were objectionable measures. Five of them are already Federal law. We have got another dozen roughly that are already included in the D.C.
I served here for a long time in the minority, and I do not recall that ever happening to one of our amendments when we were in the minority. If there was a point of order lying, the point of order was raised and the amendment was stricken at that point.

In fact, on one occasion, just a few days ago, we allowed 3 hours of debate under unanimous consent on an amendment offered by the Democratic side of the House knowing full well that it was subject to a point of order. The sponsor of the amendment said that it was subject to a point of order, but yet we allowed 3 hours of debate.

Now, how the gentleman could suggest that we have treated Democrats differently than Republicans I do not know. But we have bent over backwards to be extremely fair to both sides of the aisle. And what is fair for one side is fair for the other.

I hope that we can resolve these differences today, Mr. Chairman; and I hope that the appropriators get busy with the conference meetings with the other body so we can conclude our appropriations business well ahead of the beginning of the fiscal year.

Mr. Chairman, I yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who is the one person actually elected by the D.C. residents to represent the District of Columbia.

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

Mr. Chairman, I rise to speak for the city where free Americans reside, not the federal city. The federal city belongs to everyone. As free American citizens, Ward 1 through 8 belong to those of us who live in the District of Columbia.

Each year lots of time has been spent debating the minutia of details of one area of national importance and business outside the competence of national legislators. The result, without exception, has been multiple vetoes that ultimately result in turning around the very controversial amendments voted into this bill or substantially changing them.

When will we learn? Hopefully, this year. There is not enough time left in this session to play games with the D.C. appropriation.

Mr. Chairman, the D.C. council and I have been clear about our two major objections to this bill: One: not merely cuts, but redirection of the remaining funds from indispensable priorities that the Mayor and the council specifically requested Federal funds to cover, including a subway station that is essential to the District's number one economic priority and to a new Federal ATF facility on New York Avenue; and two: reinserting into the bill not only social issues that have always been objected, but gratuitously a far larger number of riders that are so out of date, or irrelevant that OMB and the District believed that no Member would want the bill encumbered with them.

A new administration that is cleaning house in the city and streamlining D.C. government deserves at least to be relieved of outdated and redundant riders from prior city administrations.

The dollars used in this bill to pay for items meant to be federally funded deserve special mention and has been discredited in a June 30 GAO report commissioned by the chairman himself.

The bill requires D.C. to use interest accumulated on D.C. accounts instead of Federal money in the President's budget. Yet the June 30 GAO report to the chairman stated that Congress has already instructed the District on how the interest must be used. The GAO concluded: "As a result, the District does not have any interest earnings on available Federal funds."

The Mayor and the city council have made their views known in writing to the chairman, and we have had many discussions with him. The bill is not yet acceptable to the District, and I ask my colleagues to vote no on this bill.

We are not naive about bills before this body. We are prepared to support amendments that would produce not the preferred bill but a better bill. To accomplish this, it will take more give and take and more respect for the local prerogatives freely given to every other locality than this bill reflects for the District.

Let us get to work and challenge ourselves to do better.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

Mr. Chairman, I thank my friend, the distinguished chairman of the full committee, for yielding me the time.

My compliments to the chairman and the ranking member and the energy they and their staffs have put forward devoted to reviewing the D.C. budget and bringing this bill to the floor in a timely manner.

Just a few years ago, the District of Columbia government faced a financial crisis of epic proportions. That situation was so severe that the District could not deliver basic services, and there was a very real concern that it would run out of cash to pay its debt service to even meet its payroll.

Today, the city's population is stabilizing, the real estate market is up, suburban residents are making more leisure trips into the city, and jobs have increased dramatically.

Next year, the Control Board will go in a dormant state, as anticipated in the legislation that we passed here in 1995. The city has balanced its budget for a fourth straight year; and its leaders are showing, with only a handful of exceptions, that they are focused on fostering economic growth and delivering basic services.

This budget goes a long way toward continuing the tremendous strides we...
have made in the Nation's capital over the past 6 years. It funds a wide variety of programs. It will greatly enhance the quality of life for D.C. residents and those who visit and work in this wonderful city from enhanced resource for future rail service, for concerns that the public education have to money to clean up the Anacostia River and construct a Metro Rail Station on New York Avenue.

There are funds for a number of programs to bolster opportunities for the city's youth population, including $500,000 for character education and $250,000 for youth mentoring programs. And there is much more: $1 million for the Washington Interfaith Network for affordable housing in low-income neighborhoods and another $250,000 for new initiatives to battle homelessness; $6 million to cover the city's costs associated with the District of Columbia's inauguration; $250,000 for Mayor Williams to simplify personnel practices, money which will allow the city to build on the many improvements already under way in the area of management reform. But I am concerned that this is not enough. I urge my colleagues to reject these amendments.

The religious exemption or conscience clause that is in this legislation may be rendered moot by the fact that the Mayor has said that he will pocket veto this legislation. In my judgment, the council made a huge mistake in not having a conscience clause attached to their contraceptive coverage legislation, but we ought to let the city and encourage the city to remedy the mistakes they make. That is the only way democracy is going to grow and nurture, is not having us try to reteach them. I am concerned that this shortage could leave some D.C. students out in the cold, back in their old disadvantaged position and unable to become all that they can and should be. However, I am heartened by the fact that the Senate has a higher 302(b) allocation and that hopefully when this comes to conference some of this money can be restored. I urge my colleagues to restore the funding level for this historic program.

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city belongs to everyone. I think that is exactly what the writers of the Constitution had in mind when they gave Congress, and I quote, “power to exercise exclusive legislation in all cases whatsoever,” in article 1, section 8 of our Constitution.

The opponents of our bill say, Well, our cities aren’t regulated like this, so we shouldn’t be involved. But if you talk to the city councils in Kansas, they know that Congress has intervened. They have intervened through the Clean Air Act, through clean water regulations, through transportation regulations, air travel regulations, labor regulations, wage restrictions. And the people in the city have been regulated by Congress, too. Health care, work requirements. Congress has injected itself into our schools, our hospitals, our city councils and our own homes. Congress does have oversight of the District of Columbia.

So the question is, How should we be involved in this process? One of the things that this bill does that is very positive is that we go into the areas of this city which need to be reclaimed and provide mentoring programs to children that are at risk, giving a dollar where one might be put in and getting a dollar where one might be put in. This bill provides such help. It also provides a hotline so that if someone is in need in this city, they call a hotline and they are not let off the phone line until they are directly connected with an agency that can provide directly for their need.

There are other things we are going to debate. We are going to debate where we should deliver needles through the drug needle exchange program. I personally think we ought to protect the children. We have talked to the D.C. Police Department. There are currently four locations that would not be affected by my amendment where needles could be distributed.

As we continue this debate, Mr. Chairman, I hope we come to a conclusion and pass this bill today.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 30 seconds on this issue. D.C. has the worst problem of AIDS infection of women and children, and the principal reason is the exchange of dirty needles. The exchange of clean needles works, but it is very restricted because of the Congress’ intervention. This amendment would effectively preclude even private organizations from being able to address this problem. There are too many women and children dying of AIDS in D.C. We ought to do whatever is necessary to save their lives.

Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER), the leader of the Smart Growth Initiative nationwide.

Mr. BLUMENAUER. Mr. Chairman, I can only imagine the frustration that the gentlewoman from the District of Columbia (Ms. NORTON) must feel talking about that area of the country that are according to the District of Columbia; for indeed what we have done, the District has special obligations that no other local government in the country has. It has the burdens of both a city and a State and it does not have the political power of a State. We are not saying that we need to get involved, but we are saying that we need Congress to get involved. On top of that, Congress is interfering unnecessarily, making that job even harder.

Not only does it add unnecessary and outdated riders, but the budget that we are discussing here today is $22 million below last year’s funding level. The funding that remains is not fairly distributed to the city’s most urgent economic and educational priorities.

I care specifically about livable communities. This is not just a reference to one, the New York Avenue Metro station and Poplar Point in Southeast District of Columbia. The proposed Metro station at New York and Florida Avenues is the linchpin of proposed new economic development activity for the District.

We have in the District every day experience poor air quality, choking traffic. We hear about problems of sprawl and economic development. The proposed Metro station represents an important step in bringing jobs and people together in a location that is convenient for commuters and does not increase sprawl or require massive additional infrastructure investments in outlying areas.

This has been extensively planned through public and private initiatives with the District, the Federal Government, and the private sector each committing one-third of the funds. While the city and the sector have stepped up, Congress is shirking its duty by not providing the full $25 million in Federal funds that the President has proposed. It includes only $7 million directly and makes up the remaining $18 million through accounting gimmicks, including the borrowing on the city’s interest fund which only has $6 million left and is already obligated by other uses.

The choice forced on the city to delay building the station or losing other important priorities is not acceptable. We compound this missed opportunity by the nearby development of the Metropolitan Branch Trail, the bicycle beltway within the Beltway that could have had the $18 million that we have already allocated through TEA-21 coordinated with the station. We risk losing both the station and the coordination of the trail. It would be a tragedy.

The bill does not provide the requested $10 million for environmental cleanup and infrastructure improvements needed to spur the redevelopment and improve the economic health for the residents living near Poplar Point.

Between the irrelevant riders, the limitations of the District’s ability to self-govern, we are missing an opportunity, and not just unfair to the residents of the District of Columbia, it is not fair to the American public.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I keep hearing people try to create a fiction that supposedly we are not taking care of what the District says is its top priority; namely, the Metrorail station at New York Avenue. In fact, at the Full Committee, we heard testimony that there is $40 million dollars more of Federal funds into the Metrorail project, as well as the interest earnings on the Federal and other funds that we are allocating.

Mr. Chairman, I heard the gentleman from Oregon (Mr. BLUMENAUER) say, oh, but the fund only has $6 million, and it does not have $18 million. That is not accurate. Mr. Chairman, what has happened is after the control board found out that we do not have $40 million, he said that money should go to the top priority of the District, then we started receiving lists saying “we have these things that were not part of our budget, we want to spend this money and six million dollars more different than our top priority.” And that is where we found out they want to spend the money on more bonuses at city hall and golden parachutes for people involved in the control board, to double their budget in the control board in the last year of operation. Mr. Chairman, I wanted to correct that, Mr. Chairman; and I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of our subcommittee.

Mr. CUNNINGHAM. Mr. Chairman, I live in D.C. and have for some time. I have sat and I have talked to residents, many of them minorities, and many saying to me we need help for years and years. When we look at the school systems, we look at the economy, we look at the Anacostia River, the sewage systems, the crime, the drug and violence. And when they would say, I know you are a Republican, we are Democrat, but would you help us?
I think this committee has done a lot in the last few years. I say to my colleagues that for 30 years my D.C. was kind of an anchorman, that there was not that help and we let the D.C. rule, but then we had a mayor that ended up putting money in, he was a young man worried about the economy of his own city. The good news is that Mayor Williams is trying to work with us and do many of the things that we are trying to do for this city.

I lived by the train station and in one year, my car was broken into twice. I heard a gunshot out my driveway, a young man was caught and said he just wanted to know what it felt like to kill somebody. Two of the women in my complex were mugged going into a locked gate. There is a grocery store, the little mom and pop store, across the street was robbed six times in one year. The residents were saying, we have to live in this, can you do something, Mr. Congressman. Our children, the next time their schools are falling apart. And my colleagues will remember they had to cancel schools. We fully funded schools. We established charter schools.

My own party wanted to cut funds from D.C. Instead, and we were able to work in a bipartisan way saying that our schools are moving in the right direction, let us fully fund them. And I think we have seen some movement. We have a long way to go in this Nation’s capital but there are good teachers. There are good schools, but many of those schools are still failing and we need help.

That is the direction we are working in. When I first arrived here, there was a woman on the board that was appointed by Marion Barry that could not read. She was on the committee on the budget, but she had never had an accounting course. She was a functioning illiterate, but yet she was a policy- making legislator.

Mr. Chairman, I want to thank the gentleman from Oklahoma (Mr. ISTOOK). With regard to the use of the New York Avenue Metro station. I think the reality is that that money was included in the D.C. budget, that D.C. budget was received by the Congress before the bill was marked up. There is no way that the D.C. government could have known, and so that money had already spent before we spent it again.

Mr. Chairman, I yield myself 10 seconds to respond to the gentleman from Oklahoma (Mr. ISTOOK). With regard to the use of the New York Avenue Metro station. I think the reality is that that money was included in the D.C. budget, that D.C. budget was received by the Congress before the bill was marked up. There is no way that the D.C. government could have known, and so that money had already spent before we spent it again.

Mr. ORRIN H. HATCH (Utah). I rise for the purpose of instruction. Our children, the next time their schools are falling apart. And my colleagues will remember they had to cancel schools. We fully funded schools. We established charter schools.

We wanted to work on something for D.C. We need a long-term sewage problem. Every time it rains in Washington, D.C., and it is raining right now, that raw sewage goes into the Anacostia River every time it rains. It has the highest fecal count in any river in the United States, and we need to address that.

The other thing that I find so interesting is how the gentleman from Virginia (Mr. DAVIS) and now the distinguished gentleman from California (Mr. CUNNINGHAM) have talked about the wonderful job that the mayor is doing. He is doing an outstanding job and a wonderful job. I would also say that the gentlewoman from the District of Columbia (Ms. NORTON) is doing a wonderful job.

At some point in time, folks ought to be able to control D.C. themselves. We do not have to have Big Brother hanging around forever and forever. I think that it has been clear and it has been said here over and over again by both sides that they are doing an outstanding job.

The motto for the District of Columbia is justice to all. Justice in the form of the District of Columbia residents to use their own funds to operate needle exchange programs in areas they deem appropriate. Justice in allowing D.C. to determine appropriate laws to address the issue of tobacco use among minors. Justice in the right of District of Columbia residents and the city council to approve and enact legislation that will permit city employees to receive health insurance benefits for their long-term partners, regardless of gender, and to require employers to cover contraceptive if other prescription drugs are covered.

Justice in increased funding for Metrorail construction at New York and Florida Avenues, Northeast, an area rich for economic development.

Justice in increased funding for tuition assistance for District of Columbia college-bound students, helping to offset out-of-State tuition costs at colleges and universities across the country. As a result of this program, numerous D.C. students applied to Maryland colleges and universities, including 10 at Coppin State University and Morgan State University in my district.

Justice in the right of the District to use funds to petition for or file a civil action intended to obtain District voting representation in Congress.

Unfortunately, if this bill is passed in its current form, justice to all will not prevail. Instead, the committee has already sent a message to District residents that they are not to be afforded justice, but are to be burdened with requirements that Congress imposes on no other local jurisdiction and stripped of their right to make local decisions.

I submit that it is our duty as lawmakers to ensure that justice is applied impartially and equally to all of our Nation’s citizens. Therefore, I urge my colleagues to oppose this bill and support District residents and the principle of justice for all.

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

Mr. Chairman, there is a general principle we often quote here that says, you should not do for people what they are capable of doing for themselves, because you don't want to restrict their ability to grow and to achieve.

It is not a matter of we do not want to help them, but it is a matter we want to do it in the right way.

I hear a lot of comments about we ought to be doing more for the District here, we ought to be doing more for the District there. Then I hear people say, oh, we have cut this budget or that budget. For example, they claim, inaccurately, but they claim, that we have cut a Federal commitment to the metro subway station. Let us back up.

What Federal commitment are we talking about? We are talking about the budget proposal submitted by the White House which is not a budget submitted or approved by the Congress. Just because something is proposed by the President, let us not pretend that if we do not agree with the President on something, that we have gone out and we have cut budgets that we were engaged on a commitment; that is not the case.

We have made sure that rather than going to this new, after-the-budget,
laundry list of things that now they say are higher priorities than the metro subway station, so we cannot spend money out of this account for it. Instead of doing that, we said no, we are going with the top priority of the metro station.

Let us look at what the District is doing or not doing for themselves. We know they have remaining significant management and financial problems. Let me just give my colleagues the figures on just one of them. In addition to the money budgeted and tens of millions of dollars of subsidies that were budgeted, the D.C. General Hospital with the Public Benefit Corporation in the last 4 years has been labeled, of $174 million, which were, in fact, spending beyond what was authorized or appropriated by law.

In that one institution alone there was $174 million. On top of the subsidies, a million their budget. We had a hearing on this, more than one hearing that we had, and District officials including the central board said they are not loans they are receivables because the hospital is supposed to pay it back out of receivables. No, they know that. They do not even have the hospital sign any paper. There is no written agreement. The city and the control board just write checks for millions of dollars until they have gone $174 million in the hole, beyond their budget, beyond the subsidies, and then the District government writes it off.

They have a group looking at it right now that is telling horror stories about the level of management. In fact, the just-fired individual in charge, even though people will say when he was in charge, this hospital got run into the ground even farther than it was already, he wants a million dollars severance pay for helping something go $174 million in the red.

That is the kind of priorities or lack of them that waste money, and then they come to Congress and say we make a difference, and then when we are reaping on a pledge made at 1600 Pennsylvania Avenue if we do not make up the difference, and then claim we are reneging on a pledge made at 1445. This is the traditional day that when the gentleman shows you a laundry list of things that now they say are higher priorities than the metro subway station, so we cannot spend money out of this account for it. Instead of doing that, we said no, we are going with the top priority of the metro station.

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That is the kind of priorities or lack of them that waste money, and then they come to Congress and say we make a difference, and then when we are reaping on a pledge made at 1600 Pennsylvania Avenue if we do not just rubber stamp that instead of trying to take a more responsible approach. They say we are using too much of their money for these things. We are using money of the taxpayers of the United States of America in this bill, $414 million. And we still have management problems. I agree that Mayor Williams is working diligently and the District government writes it off. Washington, D.C., is only 66 square miles, that leaves about five positions that you can exchange needles: the Mall, Soldiers’ Home, Bolling Air Force Base, St. Elizabeth’s, Washington Hospital Center, and Rock Creek Park.

The problem with the D.C. bill is that no one comes to the floor straight; they come with a cosmetic reason for whatever they want to do. This Tiahrt amendment is designed to make the needle exchange program ineffective. It should be voted down.

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

Mr. Chairman, as the gentleman from California (Mr. DIXON) explained, the amendment that we will be considering precludes the ability of any needle exchange program to effectively operate. Now, why is that important? It is important because worse, thousands, of residents of the District of Columbia who are infected with the ignominious disease of AIDS, and in the District the population where the AIDS epidemic is growing fastest are women and children.

Imagine what it must be like to realize that your baby is infected with AIDS. Now, you can blame the mother, you can blame whoever, you can blame society; but the reality is that there is horrible, unjust suffering going on, and the principal reason for that pain and suffering is because of the use of dirty needles.

The only program we have found that actually works, and we have any number of studies that proves that it works, is when an organization offers clean needles. But you only get a clean needle if you give back a dirty needle, and you have to get into a program. It is access to drug treatment, and it is working.

Mr. Chairman, we might like to turn our backs and pretend this stuff does not go on and pretend there are easier ways to do it and ways that are less controversial, but there are not. They are not working as effectively, and that is why the administration stood up and kept vetoing this bill, because we have to care about people who are suffering and dying needlessly, if there is a way that we can stop it.

This program can stop it, and that is why the administration is going to kill it if we do not act on a bill that is designed, not with any Federal funds, not with any public money, all with private donations. That is the point, that is how the program is being operated. But it
ought to be allowed to operate. That is only fair. And the D.C. Government ought to be allowed to decide how it is going to cope with its problem, and not let us gain political advantage by super- seding their judgment and preventing them from being able to address critically important, desperate need within the District of Columbia. That is why this issue is so important.

There are funding issues. Maybe we can take care of the funding issues in conference. We are going to try to do that. It is a little bit of a problem because of the $1.7 trillion surplus, a $1.7 trillion budget, we cannot find $31 million to make the District whole on a contractual obliga- tion that we agreed to assume.

So I trust we will be able to find that money. The District is getting on its feet. It has got a great Mayor, it has got a good city council. It is getting a lot of good people in running its go- vernment. If we believe in democracy, if we believe that the people have the power to regulate, to run their own af- fairs, that they will elect the people that will provide the kind of quality of life and security in the future for their children that they decide they want, that is what this is all about.

Let us extricate ourselves from these matters where we ought not be in- volved. Let us do right for the District of Columbia. Until we fix this bill, I do not think we can support it.

Mr. ISTOOK. Mr. Chairman, I yield myself my time of 2 minutes.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 2 min- utes.

Mr. ISTOOK. Mr. Chairman, drug problems in the District of Columbia are America’s problem, because Wash- ington, D.C., is America’s capital. I am sor- ry to hear that the gentleman says that if you do not have a program to exchange drug needles, you are causing pain and suffering. No, pain and suf- fering is caused by the use of drugs. Crime is caused by the use of drugs. Parents failing to take care of their kids is caused by the use of drugs. You are saying dirty needles cause pain and suffering? No, people injecting themselves with drugs cause pain and suffering. We are not talking about sewing needles here; we are talking about hypodermic syringes, needles for people to inject illegal drugs into themselves, and a program operating in broad daylight out on public streets to do these swaps. Bring in a dirty needle, get a clean needle, go shoot yourself up.

I know a couple of people that the other day observed one of these sites, and it was an area where there were residences and small businesses. The van is there for a few hours, and just minutes after the van they used for the needle exchange pulls away, you know what pulled up? A school bus. It is a bus school bus.

The D.C. Council passed its own law declaring drug-free zones. The amend- ment of the gentleman from Kansas (Mr. TIAHRT) just says those areas that the District has already chosen to be drug-free zones should not be used for these programs to exchange drug need- les. The D.C. Council defined them. For example, 1,000 feet around a youth center or public library or public hous- ing or a swimming pool or an elemen- tary or high school or a video arcade, the D.C. Council says those sites are supposed to be drug free zones. The amendment of the gentle- man from Kansas (Mr. TIAHRT) just says if that is supposed to be a drug- free zone, it is doing with a drug needle exchange program taking place in the same spot?

I urge support of the bill; and when the time comes, I certainly will sup- port the amendment of the gentleman from Kansas (Mr. TIAHRT).

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5- minute rule.

No amendment to the bill shall be in order except those printed in the CONGRESSIONAL RECORD, pro forma amend- ments for the purpose of debate, and amendments printed in the House Re- port 106-790.

Amendments printed in the report may be offered only by a Member des- ignated in the report and only at the appropriate point in the reading of the bill; shall be considered read, shall be debatable for the time specified in the report, and divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows an- other vote, provided that the time for voting on any postponed question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk reads as follows:

H.R. 4942

Be it enacted by the Senate and House of Rep- resentatives 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 District of Columbia for the fiscal year end- ing September 30, 2001, and for other pur- poses, namely:

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION

For a Federal payment to the District of Columbia for a nationwide program to be ad- ministered by the Mayor for the District of Colum- bia resident tuition support, $4,000,000, to remain available until expended: Provided, That such funds may be used on behalf of eligi- ble District of Columbia residents to pay an amount based upon the difference be- tween the local state tuition and the state tuition at public institutions of higher education, usa- ble at both public and private institutions for higher education: Provided further, That the awarding of such funds shall be prioritized on the basis of a resident’s aca- demic merit and such other factors as may be authorized: Provided further, That not more than 5 percent of the funds may be used to pay administrative expenses.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading “Federal Payment for Incentives for Adoption of Children” in Public Law 106-113, approved No- vember 29, 1999 (113 Stat. 1501), is amended to read as follows: “Federal Payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $2,500,000. Provided, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provi- sions of title 18, except for section 3008, of the Fiscal Year 2001 District of Columbia Act of 2000, D.C. Bill 13-679, enrolled June 12, 2000.

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

Provide payment to the Chief Finan- cial Officer of the District of Columbia, $1,500,000, of which $250,000 shall be for pay- ment to a mentoring program and for hotline services; $500,000 shall be for payment to a developmental program with a char- acter building curriculum; $500,000 to remain available until expended, shall be for the design, construction, and maintenance of a public system to control the Hickey Run stormwater outfall; and $250,000 shall be for payment to support a program to assist homeless individuals to become pro- ductive, taxpaying citizens in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $134,300,000 for the administration and operation of correc- tional facilities and for the administra- tion of costs of the District of Columbia Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33, 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: Provided, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That in addition to the funding provided under this heading, the District of Columbia Correc- tions Trustee may use any remaining in- terest earned on the Federal payment made to the District under the District of Colum- bia Appropriations Act, 1996, to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,500,000 to be allo- cated as follows: for the District of Columbia Court of Appeals, $7,769,000; for the District of Columbia Superior Court, $26,892,000; for the District of Columbia Court System, $16,892,000; and $2,500,000, to remain available until September 30, 2002, for capital improve- ments for District of Columbia courthouse facilities: Provided, That none of the funds in this Act or in any other Act shall be avail- able for the purchase, installation or oper- ation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and Senate: Provided further, That notwithstanding any other provision of law, all amounts under
made by the District's Delegate to the House of Representatives. Provided, That the Mayor shall enter into a contract for such analysis only with a qualified independent auditor who is experienced in analyzing tax sources and who has no other affiliation with the District government.

AMENDMENT NO. 1 OFFERED BY MR. ISTOOK
PRINTED IN HOUSE REPORT 106-790

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106-790 offered by Mr. ISTOOK. Strike the item relating to "TAX REFORM IN THE DISTRICT."

In the item relating to "METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)", strike "$7,000,000" and insert "$7,100,000."

In the item relating to "METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)", strike "$13,000,000" and insert "$13,900,000."

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Oklahoma (Mr. ISTOOK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

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

Mr. Chairman, I do not think 5 minutes will be necessary. I believe this amendment will be adopted by unanimous consent and neither of us will need the 5 minutes.

This simply removes an item for a study of the future tax structure potential in the District and shifts the $100,000 in Federal funds that was allocated for it to support the new Metro station that is planned at the New York Avenue site.

b. $50

I believe there is no debate, and if that is the case I would ask unanimous consent that the time be accordingly changed.

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

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond, but not in a critical manner. Mr. Chairman, what we are withdrawing here is a study that was proposed that was related to the idea of a D.C. commuter tax. There had been a provision that was included in the subcommittee bill by the gentleman from Oklahoma (Mr. ISTOOK) that said if residents of suburban Maryland or Virginia earned money in the District of Columbia they do not have to pay state income taxes in that money to Virginia or Maryland or basically any other State where they might reside. So it meant every Member of Congress who earns their money here would not have to pay any state income taxes on their income, until the District was permitted to tax income they might earn in the District.

What we could have done is to suggest then that if that is the case then
any resident of the District of Colum-  
bia that earns money in another State  
would not pay taxes in D.C., and D.C.  
would have wound up worse because  
the reverse flow of people finding jobs  
in the suburbs where the economic  
growth is happening is even greater  
than economic development in D.C. So  
there were problems with that. It was  
withdrawn.

There was going to be a further  
study. The gentleman from Oklahoma  
(Mr. ISTOOK), upon consideration and  
discussion with the chair of the author-  
izing committee, has decided not to  
do that study. I personally would have  
previously that we do a study that was  
broad based, looking at D.C.’s long-  
term revenue needs, I think that needs  
to be done. I think it could probably  
be done for $100,000. So I was hoping  
we would do that, but the study ought to  
be done by organizations that are lo-  
cated within the District of Columbia,  
private nonprofit organizations, prob-  
bly nonpartisan. We could get maybe  
the Brookings Institution and the Hud-  
sion Institute to collaborate. In doing  
so, they could look at ways that we can  
raise sufficient revenue to ensure that  
D.C. remains the economic core of  
the metropolitan Washington region but  
also sustain the economic viability of  
the suburbs as well.

That is a long-term, mutually shared  
objective. I know that the gentleman  
from Virginia (Mr. DAVIS) is in agree-  
ment with that objective. I would hope  
that we could find the money to put in  
this bill to do that kind of a study, but  
I have no objection to the manager’s  
amendment. I just think that we should  
not fund this study through the general  
fund. That would mean that this gentle-  
man from Oklahoma (Mr. ISTOOK) at this  
point to withdraw funding  
for this study.

No one on this side is going to object  
to the manager’s amendment. Mr.  
Chairman.

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

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

Mr. Chairman, I think that the District  
may desire to do certainly they have the authority and the capa-

bility of doing whatever study. I cer-

tainly would not agree with all of the  
characterizations of the gentleman, but  
I certainly appreciate his interest in  
the economic conditions in the Dis-

trict, as well as in the surrounding  
Northern Virginia area that he rep-

resents.

However, I think we have all agreed  
that right now there is a high priority  
with the District of the New York Av-

due Metrorail station, and if the Dis-

trixt wants to do a study they can do  
it. In the meantime, we would like to  
pursue Federal contribution of the  
$100,000 toward that Metrat station at  
New York Avenue.

Mr. Chairman, I ask adoption of the  
amendment.

Mr. Chairman, I yield back the bal-

ance of my time.

The CHAIRMAN. The question is on  
the amendment offered by the gentle-

man from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.  
The CHAIRMAN. The Clerk will read.  
The Clerk reads as follows:

FEDERAL PAYMENT FOR SIMPLIFIED  
PERSONNEL SYSTEM

For a Federal payment to the Mayor of the District of Columbia for the design of the system approved by the Comptroller General for simplifying the administration of personnel policies (including pay policies) with respect to employees of the District government, $250,000: Provided, That the Mayor shall carry out such study and design through a contractor approved by the Comptroller General.

METRORAIL CONSTRUCTION  
(INCLUDING TRANSFER OF FUNDS)

For a contribution to the Washington Met-  
ropolitan Area Transit Authority for con-

struction of a Metrorail station located at  
the Treasury shall make such payment,  
$25,000,000, to remain available until ex-

pended, of which $7,000,000 is appropriated  
under this heading and $18,000,000 shall be  
appropriated herein (as certified by the In-

dependent Auditor of the District of Colum-

bia). The Independent Auditor of the Dis-

triet of Columbia, or the District of Colum-

bia Inspector General, shall audit the ex-

penditure of such funds. The District of  
Columbia shall agree to transfer such  
specifically appropriated funds to the  
Metropolitan Area Transit Authority for  
such construction, in an aggregate amount  
of $25,000,000, to remain available until ex-
pended, of which $250,000 for the design  
of such station, $250,000 for the design  
of such station, and $2,500,000 for the  
design and construction of such station.

The District of Columbia shall provide  
that any program fees collected from the  
issuance of debt shall be available for the  
operation of the Metrorail System, and  
any payment of amounts owed by the  
District of Columbia for such construction  
shall be available for the operation of  
the Metrorail System.

The following amounts are appropri-
ated:

DISTRICT OF COLUMBIA FUNDS  
OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropri-
ated:

for the District of Columbia for the current  
year, in the aggregate amount of $194,621,000,  
including $161,022,000 from Federal funds,  
$13,175,000 from other funds): Provided,  
That the funds appropriated in this Act for  
the operation of the Metropolitan Area  
Transit Authority shall be available for  
the operation of the Metrorail System,  
and not for the construction or  
operation of any other transit system.

Provided further, That any program fees  
collected from the issuance of debt shall  
be available for the operation of the  
Metrorail System, and any payment of  
amounts owed by the District of Columbia  
for such construction shall be available for 

the operation of the Metrorail System.

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CONGRESSIONAL RECORD — HOUSE
funds, $92,378,000 from Federal funds, and $59,698,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the BID under the provisions of Business Improvement Districts Act of 1996 (D.C. Law 11-134, D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Act of 1997 (D.C. Law 12-26): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That the use of such funds shall be for the development of the Arts and Humanities: Provided further, That the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government shall be $762,346,000 (including $591,365,000 from local funds, $24,950,000 from Federal funds, and $146,031,000 from other funds): Provided further, That the Mayor and the Commanding General of the Metropolitan Police Department is authorized to purchase, at the discretion of the District of Columbia, up to 25 passenger carrying vehicles annually for replacement of damaged vehicles, and the cost of the replacement: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from the Mayor's General Expenses Fund: Provided further, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public Schools teacher, principal, supervisor, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ‘An Act to provide for the public school facilities fund for the taking of a school census in the District of Columbia, and for other purposes’, approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.), provided further, That such appropriation shall not be available to subside the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2003, unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That $2,204,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for public schools: Provided further, That $50,000 is allocated to fund a conference focusing on supporting care for children ages 3-4 in September 2000 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: Provided further, That no local funds in this Act shall be used to administer a system wide standardized test more than once in FY 2001: Provided further, That no less than $389,219,000 shall be expended on local schools through the Weighted Student Formula: Provided further, That the Superintendent of Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, Greensboro: Provided further, That section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Code, sec. 47-301), is amended as follows: (a) The third sentence is amended to read as follows: ‘‘However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the Board of Education and the District of Columbia Public Charter Schools Board shall begin on the first day of July and end on the thirtieth day of June of each calendar year.’’ (b) One new sentence is added at the end to read as follows: ‘‘The District of Columbia Public Schools shall take appropriate action to ensure that its financial books are closed by June 30, 2003.’’
available until expended, shall be available solely for District of Columbia employees’ disability compensation: Provided further, that the District of Columbia shall not provide services such as snow removal, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 101-77, 42 U.S.C. 13171), providing emergency shelter services, in the District of Columbia if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485, Public Law 101-77, 42 U.S.C. 13171, seq.:) Provided further, that $1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: $250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and $1,000,000 shall be paid in equal monthly installments by the 15th day of each month: Provided further, That $400,000 shall be available for the administrative costs with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): Provided further, that $4,000,000 shall be available for the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329).

PUBLIC WORKS

Public works, including rental of one passenger carrying vehicle for use by the Mayor and three passenger carrying vehicles for use by the Council of the District of Columbia and local agencies, $278,242,000 (including $265,078,000 from local funds, $3,328,000 from Federal funds, and $9,636,000 from other funds): Provided further, That this appropriation shall not be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329).

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $389,528,000 (including $234,913,000 from local funds, $135,555,000 from Federal funds, and $19,060,000 from other funds).

RESERVE

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, $150,000,000: Provided, That none of the funds made available under this heading until (1) the reductions from “Operational Improvement Savings”, “Management Reform Savings”, and “Cafe- teria Plan Savings” that the Chief Financial Officer certifies that the Chief Financial Officer certifies that the District of Columbia General Fund is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8: (2) the next $27,189,000 shall be used to provide $27,189,000 to Management Savings to the extent that the Chief Financial Officer determines the Management Savings are not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8.

For payment of principal, interest and certain charges outstanding on behalf of the District of Columbia to fund District of Columbia capital projects as authorized by sections 402, 475, and 490 of the District of Columbia Housing Finance Act of 1974, as amended, $1,000,000: Provided further, That the Department of Motor Vehicles, the Taxicab Commission, and the Municipal Receivership Programs shall be used to provide in the following order: (1) the Department of Motor Vehicles, $1,550,000 for the Taxicab Commission; (2) the Municipal Receivership Programs, $1,300,000 (including $6,300,000 for Child and Family Services, $13,000,000 for the Commission on Mental Health Services); and (3) the Chief Financial Officer certifies that the balance is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8.

For payment of principal, interest and certain charges outstanding on behalf of the District of Columbia to fund District of Columbia capital projects as authorized by sections 402, 475, and 490 of the District of Columbia Housing Finance Act of 1974, as amended, $1,000,000: Provided further, That the Department of Motor Vehicles, the Taxicab Commission, and the Municipal Receivership Programs shall be used to provide in the following order: (1) the Department of Motor Vehicles, $1,550,000 for the Taxicab Commission; (2) the Municipal Receivership Programs, $1,300,000 (including $6,300,000 for Child and Family Services, $13,000,000 for the Commission on Mental Health Services); and (3) the Chief Financial Officer certifies that the balance is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8.

For payment of principal, interest and certain charges outstanding on behalf of the District of Columbia to fund District of Columbia capital projects as authorized by sections 402, 475, and 490 of the District of Columbia Housing Finance Act of 1974, as amended, $1,000,000: Provided further, That the Department of Motor Vehicles, the Taxicab Commission, and the Municipal Receivership Programs shall be used to provide in the following order: (1) the Department of Motor Vehicles, $1,550,000 for the Taxicab Commission; (2) the Municipal Receivership Programs, $1,300,000 (including $6,300,000 for Child and Family Services, $13,000,000 for the Commission on Mental Health Services); and (3) the Chief Financial Officer certifies that the balance is not required to replace funds expended in fiscal year 2000 from the Reserve established by section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8.
Act.
or more of the appropriation headings in this
improvements savings in local funds to one
with the Chief Financial Officer and the Dis-

PAYMENT OF GENERAL FUND RECOVERY
Debt
For the purpose of eliminating the $331,599,000 general fund accumulated deficit as
of September 30, 1999, $38,300,000 from
local funds, as authorized by section 461(a)
of the District of Columbia Home Rule Act, (105
Stat. 545; D.C. Code, sec. 47-321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM
BORROWING
For payment of interest on short-term bor-
rowing, $1,140,000 from local funds.

PRESIDENTIAL INAUGURATION
For reimbursement for necessary expenses incurred in, in cooperation with President
inauguration activities as authorized by sec-
tion 737(b) of the District of Columbia Home
Rule Act, Public Law 93-198, as amended, ap-
proved, October 30, 1972 (87 Stat. 504 and
D.C. Code, sec. 1-1903), $5,961,000, which shall
be apportioned by the Chief Financial Officer
within the various appropriation headings in
this Act.

CERTIFICATES OF PARTICIPATION
For lease payments in accordance with the
Certificates of Participation involving the
land site underlying the building located at
One Judiciary Square, $7,950,000 from local
funds.

WILSON BUILDING
For expenses associated with the J ohn A.
Wilson Building, $8,409,000.

OPTICAL AND DENTAL INSURANCE PAYMENTS
For optical and dental insurance pay-
ments, $2,675,000 from local funds.

MANAGEMENT SUPERVISORY SERVICE
For management supervisory service, $13,200,000 from local funds, to be transferred to
the General Fund of the District of Colum-
bia, among the various appropriation headings in
this Act for which employees are properly
payable.

TOBACCO SETTLEMENT TRUST FUND TRANSFER
PAYMENT
There is transferred $61,406,000 to the To-
bacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Set-
tlement Trust Fund Establishment Act of
1999, effective October 20, 1999 (D.C. L aw
13-38; to be codified at D.C. Code, sec. 6-1303), to
be spent pursuant to local law.

OPERATIONAL IMPROVEMENTS SAVINGS
(INCLUDING MANAGED COMPETITION)
The Mayor and the Council in consultation with the Chief Financial Officer and the Dis-
tict of Columbia Financial Responsibility and Management Assistance Authority, shall
make reductions of $37,000,000 for manage-

MANAGEMENT REFORM SAVINGS
The Mayor and the Council in consultation with the Chief Financial Officer and the Dis-
tict of Columbia Financial Responsibility and Management Assistance Authority, shall
make reductions of $11,000,000 for manage-

CAFETERIA PLAN SAVINGS
For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of
$5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS
WATER AND SEWER AUTHORITY AND THE
WASHINGTON AQUECUT
For operation of the Water and Sewer Au-
thority and the Washington Aqueduct, $275,705,000 and $230,614,000 for the Water and Sewer Authority
and $45,091,000 for the Washington Aqueduct
of which $41,503,000 shall be apportion-
ated and provided to the District's debt service fund for repayment of loans and in-
terest incurred for capital improvement
projects.

For construction projects, $140,725,000, as
authorized by the Act entitled “An Act au-
thorizing the laying of watermains and serv-
cier sewers in the District of Columbia, the
levying of assessments, and for other purposes” (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.); Provided, That the requirements and restrictions that are applicable to general fund capital im-
provements projects and set forth in this Act
under the Capital Outlay appropriation title shall apply to projects approved under this
appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE
FUND
For the Lottery and Charitable Games Enter-
prise Fund, established by the District of COLUMBIA HEALTH AND
HOSPITALS PUBLIC BENEFIT CORPORATION

DISTRIBUTION OF FUNDS TO THE DISTRICT OF COLUMBIA
For construction projects, an increase of
$1,077,262,000 of which $806,787,000 is from
local funds, $66,446,000 is from highway trust
funds and $200,049,000 is from Federal funds,
and a rescission of $55,208,000 from local
funds appropriated under this heading in
prior fiscal years, for a net amount of
$1,022,074,000 to remain available until ex-
pended. Provided, That funds for use of each
capital project implementing agency shall be
managed and controlled in accordance with
all procedures and limitations established under the Federal Aid Highway Act System:
Provided further, That all funds provided by
this appropriation title shall be available only for the specific projects and purposes
intended: Provided further, That notwithstanding the foregoing, all authorizations for
capital outlay projects, except those projects
covered by the first sentence of section 23a
of the Federal Aid Highway Act of 1999 (Pub-
lic Law 106-7; 115 Stat. 827; Public Law 90-405; D.C. Code, sec. 7-134, note), for which funds are provided by
this appropriation title, shall expire on Sep-
tember 30, 2002, except authorizations for projects as to which funds have been obli-
gated in whole or in part prior to September
30, 2002: Provided further, That upon expira-
tion of any such project authorization, the
funds provided herein for the project shall
lapse.

Mr. I STOOK (during the reading). Mr. Chair-
man, I ask unanimous consent that the remainder of the bill be read through
printed in the Record and open to
amendment at any point.

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

There was no objection. The

Mr. MORAN of Virginia. Mr. Chair-
man, I offer amendment No. 12. The

The text of the amendment is as fol-

AMENDMENT NO. 12 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chair-
man, I offer amendment No. 12. The

The CHAIRMAN. The Clerk will des-

Mr. ISTOOK. Mr. Chairman, I reserve
a point of order.
The CHAIRMAN. The point of order is reserved.

Mr. MORAN of Virginia. Mr. Chairman, the purpose of this amendment is, again, to let the District of Columbia deal with its most severe problems, and one of its most severe problems has to do with the operation of its General Hospital.

Mr. Chairman, within the District of Columbia, there are over 80,000 people who have no health insurance, and D.C. General is their health care of last resort. When they go to the hospital, it is too often because they have a gunshot wound, because they have been physically attacked, because women have been raped, because they have serious drug problems, because they have problems that take acute attention and oftentimes very expensive care. Because these people generally do not have the money to pay for their health care, D.C. General has gone broke, as has Southeast Community Hospital, a number of the health clinics in the community.

We are talking about places like Anacostia primarily, very low-income section of the city. Some people are in desperate poverty, even in today's world, they are living in the capital city. So a public benefit corporation was set up to see if they cannot manage these health care facilities and find a way to finance them. The PBC has not been successful in doing that. It is unfortunate. It needs to be corrected, but this bill tries to correct it without consultation with the mayor, the D.C. council and the outside health care consultants who have been looking at this problem for years.

One of the ways it attempts to correct is by cutting off its funding, terminating its line of credit. So what happens? The hospital, we are told, will become insolvent, will shut down within a year if this amendment is included in the bill. Is that true? Okay. Mr. ISTOOK. It is not being run well. It is losing money, but tell me, Mr. Chairman, what do we do with the thousands of people who go to D.C. General as their health care of last resort? No one else wants to handle them. No one else wants to handle these gunshot victims. No one else wants to handle these drug addicts. No one else wants to handle these people who have no money to pay for their health care.

So what are we going to do with them? Are we just going to let them loose without health care? We are going to send them to other hospitals that do not take them, that do not want them, that are not going to treat them. So that is my problem with this solution. It is too easy. It was not done by D.C. because D.C. is held accountable by its voters for coming up with constructive alternatives. This is too easy an alternative: Cut it off, shut it down.

That is not the way to handle a very difficult, complex problem. So what I want to do with this amendment is strike the language, leave it to D.C. to deal with. Do not come up with solutions that are going to make the situation worse. Do not have that pain and suffering of people who have no health care and desperately need it on our hands. We have no business getting involved where such expenditures have a constructive alternative. We do not, so we ought to strike the language.

POINT OF ORDER

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment as to the underlying merits. I will offer at an appropriate time a written statement for the record.

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill. The precedents of the House are clear in this matter: Amendments to a paragraph or section are not in order until such paragraph or section has been read. Cannon's Precedents, Volume 8, section 236.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. If no other Member desires to be heard, for the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Are there any other amendments to this portion of the bill?

PARLIAMENTARY INQUIRY

Ms. NORTON. Mr. Chairman, parliamentary inquiry. Are we at general provisions where an amendment can be at the desk and now be pursued?

The CHAIRMAN. When the Clerk begins to read again, he will begin at that portion.

The Clerk will read section 101.

The Clerk read as follows:

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 309A, shall be limited to those contracts which are for the purpose of providing such consulting service for an expenditure required by the D.C. code.

There was no objection.

The CHAIRMAN. Without objection, the time on the amendment of the gentlewoman from the District of Columbia (Ms. NORTON) will be 20 minutes divided equally.

There was no objection.

The CHAIRMAN. That will include any amendments thereto.

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

Mr. Chairman, I rise to introduce a duly introduced amendment that will wipe out all riders, most of them operational riders, that are outdated or irrelevant. Members would not commit themselves one way or the other on the substance of any underlying provision by voting to eliminate them all.

The chairman announced on the floor just a few minutes ago that he has himself begun to look at these provisions and has found some of them to be outmoded. I appreciate that he is now looking into the bill in this way. In the President's budget, as transmitted, the President offered to work with the Congress and the District to identify and limit at the very least the number of general provisions or attachments not only to be consistent with the principle of home rule but also because most are so old that they have been overtaken by events, or they are now a part of D.C. or Federal law.

Last year, the chairman indicated that riders in the D.C. appropriation reflected the fact that over many years, whoever was President had been transmitting old riders and the chairman had simply included what the President sent. Upon inspection, the White House found that most of the attachments are no longer applicable. Many already exist in Federal law or the D.C. Code. Example, section 114 requires council approval of capital project borrowing; but that is now required by the D.C. code. In the next amendment, riders should be deleted because they are incorporated into the D.C. budget text or the local budget act, or will be proposed locally this year. Example, restrictions on the use...
of official vehicles, a restriction required by Congress and adopted in the local Budget Support Act.

Still, other riders should be deleted because they are one-time provisions, are no longer applicable or duplicate existing Federal law. Example, the bill says appropriations or obligations that expire at the end of the year unless otherwise stated. Yet this matter is covered by Federal law.

Other provisions should be deleted because they are issues of local home rule or should be deleted to ensure that the District is treated the same as any other State or local jurisdiction. Some of these are social riders, such as voting rights. Most, however, are operational matters normally left to local jurisdictions. The democracy amendment I offer today would eradicate all of these riders, most of them operational and out of date or redundant of current law.

No Member would answer for any one of them, because the amendment is a democracy and autonomy amendment that does not address any substantive issue of provision. However, we will surely answer for the piling on of amendments that are already in local or Federal law, or corpses, left over from prior years and circumstances and administrations that are dead and gone.

Mr. Chairman, District residents gave themselves a new start with a new mayor and a reconstructed city council. I ask the House to respond with a new bill that does not hang on the back of today’s cities, tails, and times it has thrown off.

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

Mr. ISTOOK. Mr. Chairman, I continue to reserve my point of order, and I yield myself such time as I may consume.

Mr. Chairman, basically, the gentlewoman representing the District of Columbia has offered an amendment to make elections in the District the same as any other State or local jurisdiction. However, we will surely answer for the piling on of amendments that are already in local or Federal law, or corpses, left over from prior years and circumstances and administrations that are dead and gone.

There are 72 provisions at last count, 17 new ones in the bill this time. We have a couple dozen provisions that are either already part of Federal law, other parts of Federal law that do not need to be here for any purpose, or are in the D.C. Code. D.C. is legally required to do these things. It is in their law. What are we doing keeping this stuff in the D.C. appropriations bill? It is sort of just making sure that those people deep down in the District’s throat so that they do not ever think that they can run their own affairs.

Let us get rid of this junk. It is detritus. It does not belong on an appropriations bill. There are so many of these examples, punitive examples where we tell them what to do with their own vehicles, how much allowance for privately owned vehicles, how fuel-efficient automobiles have to be. It is all stuff that is contained in other places, or it ought not to be contained anywhere.

Now, there are some controversial issues included in this amendment. There is a domestic partnership, tough
issue. But the reality is that 3,000 employees across the country offer domestic partnership coverage. All kind of States and localities. I was not given those numbers this year, but we know the numbers; and it is a whole bunch of States that are doing that to do this. Why are we telling the District that it cannot do this? We do not turn around and tell anybody in the jurisdictions that we represent that they cannot do this; but we tell D.C. they cannot do it, because we are not accountable to them. They cannot do it to fight back.

Mr. Chairman, that is why this democracy amendment is in order, and that is why it is called a democracy amendment. We believe that people ought to be able to run their own affairs, that the power comes not from the State to the people, but from the people to the government. Then let the people of the District of Columbia be empowered to run their own government and get rid of this extraneous stuff. It is one long here. Treat D.C. residents the way we treat our own constituents. That is all we are asking. That is the bottom line of this amendment. Do unto others as you would do unto yourself.

Mr. Chairman, we would not do it to our constituents; we should not do it to D.C. residents.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I rise to commend the subcommittee chairman for the provisions he has put in the bill, and I oppose the amendment. The fact of the matter is, there has been an ongoing effort to expand charter schools in the District of Columbia. It is one of the most successful efforts in the United States. We have had a policy for a number of years, when the D.C. government closes a school, to allow the people who have charter schools to have an opportunity to use the unused school building, and that policy has been flouted. It has not been put into effect. The chairman, in the bill, is trying to honor that agreement and get the D.C. Government off the dime to allow the unused school buildings, under proper circumstances, to be used by the children of the District who are enrolled in charter schools.

I understand that if we drop this language, the charter school people are going to be ignoring us. If we keep the language in, we will have an opportunity to work out something reasonable, so I commend the chairman for his language.

Ms. BALDWIN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of my colleague's amendment, and I thank her for her leadership on these issues.

I want to address just one provision in the gentleman's democracy amendment, the domestic partnership health benefits.

At a time when 44 million people in our country lack health care coverage, this House has decided that it will erect new barriers for certain citizens of our capital city to obtain health care insurance. They have decided to prohibit the implementation of the District of Columbia's health care coverage to domestic partners of city employees, and I must ask why. Congress stands as the only barrier between affordable health care for countless families of city employees. This amendment would stand as the difference between having a sensible health care plan or no plan at all; it could mean the difference between wellness and illness, and in some cases, life and death. As a proponent for health care for all, I am extremely disturbed by this underlying provision. The employees of this city want nothing more and nothing less than fairness and equality in the workplace. Allowing access to the most basic of benefits, health care, does just that.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. Mr. Chairman, on July 11, the D.C. Council passed a bill which would require employers in the District of Columbia to provide contraceptive coverage to their employees. Despite the fact that a good conscience clause exempting employers who wish to waive this on religious or moral obligations was offered, it was not adopted by the council.

Furthermore, the debate got rather ugly and some council members espoused anti-Catholic and anti-Christian beliefs in the course of this discussion. One of the provisions that would be deleted by the gentleman's amendment would be the requirement for the District of Columbia City Council to provide contraceptive coverage, and one of the underlying provisions that people who have charter schools to have an opportunity to use the unused school building, and that policy has been flouted. It has not been put into effect. The chairman, in the bill, is trying to honor that agreement and get the D.C. Government off the dime to allow the unused school buildings, under proper circumstances, to be used by the children of the District who are enrolled in charter schools.

I understand that if we drop this language, the charter school people are going to be ignoring us. If we keep the language in, we will have an opportunity to work out something reasonable, so I commend the chairman for his language.

Ms. BALDWIN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of my colleague's amendment, and I thank her for her leadership on these issues.

I want to address just one provision in the gentleman's democracy amendment, the domestic partnership health benefits.
to give people, the individuals, the parents in the District of Columbia, greater freedom, greater choice, not the bureaucrats, not the educational system in general, but parents, individuals.

Is that not the best kind of freedom to give anybody? Is that not the best kind of public policy to adopt here? It is not a hard hand of government coming down on the District. It is the freedom we are going to give parents in the District of Columbia to select charter schools for their kids, the greatest opportunity we can possibly give to anyone, including the residents of the District of Columbia.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 1 minute remaining.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of the time.

Certainly, as I said before, I agree with the concept that, if there are things in this bill that are carry-overs that serve no purpose any further, then they should join the two dozen provisions that we have already taken out that have been carried year after year in this bill.

We will continue to work with the other side of the aisle and our own side to make sure we do not carry anything that is not necessary. Of course, the other issues are policy issues such as we have talked about relating to drug needles, relating to contraceptive mandates that exclude a conscience clause. Those issues are going to be brought up in further amendments.

But as to this one, Mr. Chairman, I would like to close the debate.

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

POINT OF ORDER

Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has been read," Cannon’s Precedents, Volume 8, Section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from the District of Columbia desire to be heard on the point of order?

Ms. NORTON. Mr. Chairman, I understand the point of order and appreciate that I have been heard on what, for us, is a vital amendment. I will continue to work with the gentleman from Oklahoma (Mr. ISTOOK) to eliminate such provisions as we can agree should be eliminated.

The CHAIRMAN. For the reasons stated by the gentleman from Oklahoma (Mr. ISTOOK), the point of order is sustained.

Mr. ISTOOK. 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. PETRI) having assumed the chair, Mr. LAHoooc, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4942 in the Committee of the Whole pursuant to House Resolution 563 no further amendment to the bill shall be in order except, one, amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the amendments printed in House Report 106-790, three, the additional amendments printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and, four, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

Each additional amendment shall be debatable for the time specified 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 a division of the question in the House or in the Committee of the Whole.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 563 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. 4942.

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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 further consideration of the bill (H.R. 4942), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. LAHoooc in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open from pages 41 line 1 through page 41 line 3.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman of the Committee on Appropriations, or their designees for the purpose of debate, the amendments printed in House Report 106-790, and the following additional amendments, which shall be debatable for the time specified, 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 a division of the question:

One, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 23, which shall be debatable for 40 minutes; and

Two, the additional amendment printed in the CONGRESSIONAL RECORD and numbered 13, which shall be debatable for 10 minutes.

The Clerk will read.

The Clerk read as follows:

SEC. 102. Except as otherwise provided in this Act, all vouchers shall be paid by checks issued by the designated disbursing official, and the vouchers as approved shall be debatable for an amount not to exceed $100,000.

SEC. 103. Whenever in this Act, an amount contained in an appropriation or to be expended with the authorization of the chair of the Council for the purpose of carrying out a specific purpose or objective of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or objects rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for personal travel of officials of the government of the District of Columbia, funds to be used for travel of personal staff of officials of the government of the District of Columbia, or their designees.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53 line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill from page 41, line 24, through page 53 line 14 is as follows:

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Travel Management Regulations 101-7 (Federal Travel Regulations).

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 53 line 14 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill from page 41, line 24, through page 53 line 14 is as follows:

Provided, That the annual allocation of funds for the cost of any program under the provisions of section 11(c)(3) of title XII of the
may file copies of their contract or severance payment made under any such contract. If a copy of the contract has not been filed in the index, interested parties may file copies of their contract or severance payment made under any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. Appropriations provided in this Act for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school building funds for the support of political activities from a District of Columbia political organization.

SEC. 110. None of the funds appropriated in this Act shall be available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, the Committee on Government Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated in this Act funds for such purposes as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes for the District of Columbia Home Rule Act of 2000, or for any other purpose not otherwise specifically exempted from sequestration by the Balanced Budget Act of 1990, the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508), or the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term 'program, project, and activity' shall be deemed to include any Federal funds in excess of $1,000,000 or 10 percent of a Federal fund or other personal servants to any officer or employee of the District of Columbia government may accept and use gifts without prior approval of the Council of the District of Columbia. The Council of the District of Columbia may accept and use gifts without prior approval of the Council of the District of Columbia if such gifts are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 113. At the start of the fiscal year, the Mayor shall report to the Council of the District of Columbia and the Congress the actual or projected spending progress compared with projections.

Sec. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

Sec. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

Sec. 116. None of the funds provided under this Act to the agencies funded by this Act, other than the District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States, or provided from funds available to the agencies funded by this Act, shall be applied proportionately to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than the aggregate of all the accounts.

Sec. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

Sec. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1524; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency mileage per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to emergency, rescue, or armored vehicles.


Sec. 120. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Congress of the United States a report containing the District of Columbia government's estimated fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request submitted to Congress by the Mayor in fiscal year 2002. The officially revised estimates at midyear shall be used for the midyear report.

Sec. 121. No Dol. (a) A entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term 'entity of the District of Columbia government' includes any independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval.
of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 128. (a) The University of the District of Columbia shall provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

(b) Subsection (a) shall apply with respect to the District of Columbia, the District of Columbia School Reform Act of 1995 (sec. 2209(b)(1)(A) of such Act, 31 U.S.C. 2853.19(b)(1)(A)), D.C. Code) requires that the Council shall provide the Congress by February 1, 2001, a summary, analysis, and reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and (2) if the last quarter of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural changes.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2001, a summary, analysis, and recommendations on information provided in the quarterly reports.

SEC. 127. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 2853.19, D.C. Code) is amended to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements, and grants authorized by law which affect the applicability of the cooperative agreement or grant to property that the District of Columbia shall submit to the Mayor, the District of Columbia School Reform Act of 1995 (sec. 2209(b)(1)(A) of such Act, 31 U.S.C. 2853.19(b)(1)(A)), D.C. Code) is amended to require the Administrator of the District of Columbia to notify each eligible chartering authority in writing of its intention to exercise its rights under clause (i), the Mayor shall obtain within 90 days an independent fair market appraisal of the facility or property based on its current projected use or permitted use, the public charter school shall have 30 days from the date of receipt of the appraisal to enter into a contract, purchase, or lease-purchase, or lease, of such facility or property, which time may be extended by mutual agreement.

(c) Preference described. A public charter school shall have priority to lease, purchase, or lease-purchase, any facility or property described in this paragraph (C), any facility or property described in this paragraph (C), any facility or property described in this paragraph (C), any facility or property described in subparagraph (B), at a rate which does not exceed the rate charged a private nonprofit entity for the use of a comparable property of the District of Columbia public schools and which is reduced to take into account the value of re-pairs or improvements made to the facility or property by the public charter school.

(d) Exercise of preference by other entities. A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the chartering authority for the public charter school’s authority under this subsection.

AMENDMENT NO. 13 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 5 minutes.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 5 minutes.
Mr. MORAN of Virginia. That is exactly, Mr. Chairman, and that is what we want.

Mr. Chairman, I yield the balance of my time to the very distinguished gentlwoman from the District of Columbia (Ms. NORTON).

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

I am a strong supporter of charter schools. This city has more charter schools than any other jurisdiction in the United States. It has been very generous with them.

Some residents went around our mayor and came up here to get this amendment. I believe Mr. Peabody and Mr. Ratten. There may be others.

They were having trouble with the District, they had now had a meeting with the District, they should have met with them. Instead, we get this amendment that this House could never, never, at least if it is a market-driven House, could never approve. It slaps a huge compelled nonmarket-driven reduction on the property. How about knowing where the property is or what it is worth and otherwise directs how properties should be disposed of. We do not do that in a free economy. We do not do that in a market-driven economy.

The District has very scarce resources precisely because the Federal Government takes up all of the space. Mayor Williams wrote to the chairman saying, "I am opposed to language concerning disposition of surplus school property that would hamper the District Government’s ability to utilize its assets to reform our schools."

This amendment is big-time overkill to tell the City how much it should sell property for, how much it should reduce property to. Some of it should be reduced to zero, some of it should be reduced very little. None of us in this body knows.

I arranged a meeting when I learned of this problem. I understand that the City itself is going to deal with this and it should have it dealt with within a month. I hope that by the time we get to conference, the chairman will see fit to withdraw this, because I think the matter shall have already been taken care of.

Mr. JASTROW. Mr. Chairman, I rise in opposition to the amendment, as well as reserving a point of order.

What is happening with charter schools in the District of Columbia is that parents and students are flocking to them because they offer an escape from the bureaucracy that governs the District’s schools, that assumes the cash, that has one of the highest per-pupil funding rates in the country; but where the cash ends up in a bureaucracy, it does not get to the classroom.

Charter schools now attract over 10 percent of the student enrollment, moving toward 15 percent of the students in the public schools in the District of Columbia. Charter schools are themselves public schools but they do not get stuck with the same bureaucracy, and parents want these charter schools. They are sending their kids to them. But what is happening, Mr. Chairman, is that the bureaucracy is striking back. Not openly, not out in the open, but using their weapon of choice, red tape, and strangling the charter schools when they try to do something. Charter schools are supposed to have the speed to mobilize public resources as public schools do.

We did not create this, Mr. Chairman, but the control board had an order that they issued in 1998 saying that if a charter school wanted to match the bid price, because they were also part of the public school system, that if the price was a million dollars or less, they could get a 25 percent discount; if the price was over a million dollars, it would be 15 percent. That is where this language providing discounts comes from. It is the standard the control board approved.

Now the reason why I do is that my colleagues a couple of things. Charter schools found when they tried to make the leases, the process was being dragged out. Let me tell my colleagues the story of the Franklin School. The Franklin School was seeking to purchase this vacant property in 1998. There was an appraisal made so the taxpayer would be protected. The appraisal was $4.1 million, and the successful bidder was a charter school.

But then the emergency board of education trustees said, well, we want to oppose this, and the control board rejected the bid. Why? Well, the control board said they found out there was an assessment and the District claimed the property was worth $4 million, that it is worth $15 million. And they hung on to that claim for months and months as a reason, until somebody finally went back to the District and checked the records, and the District had changed its own assessment, but no one bothered to ask the District about it. The District had agreed. They had changed it back in June of 1999 that the assessed value was $4.2 million, right in line with the appraisal of $4.1.

Despite the successful bid of the charter school, which is now, gosh, Mr. Chairman, it is a year and a half old now. The D.C. schools and their bureaucracy are dragging their feet and refusing to let the building be used for a charter school. They just drag it out. Now every overt action; just we are waiting on this. We are waiting on this. Mr. Chairman, we have to cut through the red tape sometime.

No, I want to work with the gentleman from the District; I want to work with the gentleman from Virginia, the ranking member; and I want to work with the District people and
the school people. I just want to make sure that they want to work with the charter schools. The charter schools are public schools. They have the same rights, because they represent and teach the same kids, the same source of kids, and we have to stop the bureaucracy from trying to strangle them.

The general provisions in the bill just put in common sense requirements to make sure they get equal treatment. We could delve into the details, but as I said, they could change as we work through this process. We want to protect the kids, whether they attend a regular public school or a charter school. They need protection. They need a good solid education so that they can have a future of hope and growth and opportunity.

Mr. Chairman, we certainly oppose the amendment that tries to take out these efforts at reform, but we do want to continue to work with everyone involved to make sure these provisions the best they can be.

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

Mr. Moran of Virginia. Mr. Chairman, yield myself the balance of my time to Mr. Istook.

Mr. Chairman, I do not object if the intent is simply to help the charter school movement. The mayor wants to do that. I think most people in D.C. want to have an alternative school system.

The problem is this amendment could potentially take $48 million out of the public school system. It could displace a number of very important organizations, the Commission on Mental Health; the D.C. Police Department is using Petworth School. Homeless shelters. So I do not think it was fully thought out.

The problem is that it was done without consultation with the mayor, D.C. Council and school board. That is why the amendment really should be struck. I understand the point of order, but I also know we are doing the right thing if we were to strike it.

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

I appreciate the gentleman's concern, Mr. Chairman. I want to assure him this is not about displacing anyone, and certainly I do not believe the amendment does what the gentleman claims, but I understand the bona fide concern to make sure that it does not.

We have been working both directly and indirectly with the mayor's office and other entities involved and will continue to do so.

Point of Order

Mr. Istook. Mr. Chairman, I make a point of order against the amendment because it violates the rules of the House since it calls for the en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter: "Amendments to a paragraph or section are not in order until such paragraph or section has been read." Cannon's Precedents, Volume 8, section 2354.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, for the resolution by the gentleman from Oklahoma (Mr. Istook), the point of order is sustained. The Clerk will read.

The Clerk reads as follows:

SEC. 130. LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) under this Act as a District of Columbia public school which offers such a program.

SEC. 131. EFFECTIVE DATE.—The amendments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District Council, and the school board a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $48 million, broken out by control center, responsibility center, agency reporting code, and for all funding sources; and

(4) the budget to which the contract is charged, broken out on the basis of control center, responsibility center, agency reporting code, and contract identification codes used by the District of Columbia...
Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, or renewals; (4) all reprogramming requests and reports that are required to be submitted pursuant to section 446 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 446), or before the Authority shall vote on and approve the respective budget directly to the Council.

SEC. 132. (a) Acceptance and use of grants not in ceiling under "Division of Expenses".—

(1) In general.—The Mayor, in consultation with the Chief Financial Officer, during a control and accounting period, as defined in section 205(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b) Reporting financial officer report and authority approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (a) above unless a report setting forth detailed information regarding such grant is submitted to the Authority and approved by the Authority.

(c) Prohibitions on entering in anticipation of approval or receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (a) of subsection (b) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) Quarterly reports.—The Chief Financial Officer of the District of Columbia shall prepare and submit to the Authority a quarterly report setting forth detailed information regarding Federal, private, and other grants received by or on behalf of the District government and approved by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the grant provided with respect to the expenditures of such funds.

(b) Report on expenditures by financial responsibility and management assistance authority.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committee on Appropriations of the House of Representatives for the District of Columbia and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) Budgetary report on expenditures by financial responsibility and management assistance authority.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committee on Appropriations of the House of Representatives for the District of Columbia and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official, and such receiver or other court-appointed official is appointed by a court, (a) such receiver or other court-appointed official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of such department or agency and for any such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to section 301 of the Columbia Home Rule Act, without revision but subject to the Mayor’s recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (Public Law 93-198; 77 Stat. 774; Public Law 93-198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules, regulations, and policies.

(c) Financial responsibility and management assistance authority. Not later than 15 days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased, or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and, whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee’s title and resident location.
(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), is further amended by striking paragraph (2) of section 208(b) and 209(b) by striking "2000" and inserting "2001"; in subsection (b), by striking "2000" and inserting "2001"; in subsection (i), by striking "2000" and inserting "2001"; in subsection (k), by striking "2000" and inserting "2001".

(1) No officer or employee of the District of Columbia (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority) may enter into an agreement in excess of $2,500 for the procurement of goods or services, using funds made available in this Act, without the approval of the Mayor, Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority for fiscal year 2000 unless—

(2) the authority may enter into such an agreement if it determines that the services involved under the applicable regulations and procedures differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education or its successor, and DCPS shall—

(2) if a student is classified as having a disability, as defined in section 102(a) of the Individuals with Disabilities Education Act (84 Stat. 17; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(b)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity could have purchased any equipment or product in the United States.

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) TRUST FUND FOR THE PRECEDING FISCAL YEAR.—In providing financial assistance using funds made available in this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(a) INSPECTOR GENERAL AUDIT.—Not later in the General Fund of the District of Columbia Financial Responsibility and Management Assistance Authority; and

(b) Section 202(k) of such Act (sec. 47±392.2(k), D.C. Code), as amended by section 140 of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

(i) POSITIVE FUND BALANCE.—(1) IN GENERAL.—The District of Columbia shall maintain at the end of any fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1), not more than 50 percent may be used for authorized non-recurring expenses; and (b) not less than 50 percent shall be used to reduce the debt of the District of Columbia.

Sec. 149. Subsection (e) of Public Law 104±208 (sec. 313±314 of title 5, U.S.C. code sec. 7-134.2), is amended to read as follows:

(2) INSPECTOR GENERAL AUDIT.—Not later than January 2, 2001, and each February 1, thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31, thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.

Sec. 150. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 106-790 offered by Mr. SOUDER in section 150, strike fiscal year 1999.

The CHAIRMAN. Pursuant to House Resolution 563, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment would prohibit the use of any funds appropriated by this bill to finance needle exchange programs in the District of Columbia.

The reasoning is simple: Needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to
Mr. SOUDER. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong opposition to this amendment to prohibit the District of Columbia from using any funds, Federal or local, for a needle exchange program.

The positive effects of needle exchange are proven. In communities across the country, needle exchange programs have been established and are contributing to the reduction of HIV transmission among IV drug users.

In my hometown of Madison, Wisconsin, as well as in other Wisconsin communities, outreach workers and volunteers go into the community and provide drug users with risk-reduction education and referrals to drug counseling treatment and other medical services.

Yet Congress continues to ignore the overwhelming scientific evidence showing that needle exchange is an effective HIV prevention tool.

I want to end with a personal note on this issue. When outreach workers in my community and in other Wisconsin communities go out to drug abusers and say, I care about whether you live or die, it brings them into treatment and takes them off their dependency.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the distinguished chairman who chairs the Subcommittee on Crime, Justice, Drug Policy and Human Resources of the Committee on Government Reform.

Mr. MICA. Mr. Chairman, I do not ask my colleagues to support this amendment. I implore them to support this amendment.

If we want to listen to people who are making statements about needle exchange programs, take the word of our drug czar, General Barry McCaffrey, who said, “by handing out needles, we encourage drug use. Such a message would be inconsistent with the tenure of our national youth-oriented anti-drug campaign.”

That is our drug czar that made that statement.

We need to look at examples where they have instituted drug and needle exchange programs and see the results. A 1997 Vancouver study reported that the needle exchange program started in 1988 with HIV prevalence in drug addicts at only 1 to 2 percent and now it is 23 percent.

The study found that 40 percent of the HIV-positive addicts had lent their used syringes in the previous 6 months.

If we want to see what a liberal program will do to a city, just look to the sister city to the north, Baltimore. With a liberal mayor who adopted a liberal policy on needle exchange, everyone could do it.

The murder rate is a national disgrace. The addicts, and this information was given to our subcommittee by DEA, in 1996 were at 39,000.

Recently, a councilwoman, Rickie Specter, said that the statistics are not one in 10 of the city population, according to a Time Magazine report in September of 1999, but, and these are her words, “it is more like one in eight.”

So if we want to ruin this city, adopt the policy in the bill and defeat the amendment.

Mr. MORA of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, drug czar General McCaffrey has never opposed a prohibition on local jurisdiction’s efforts to implement a needle exchange program.

Mr. Chairman, I yield 1 minute to my friend, the honorable gentleman from New York (Mr. HINCHLEY).

Mr. HINCHLEY. Mr. Chairman, this amendment is an example of the misguided moralism that is so replete in this District of Columbia appropriations bill.

What is at issue here is public health. It has been clearly demonstrated that...
by providing sterile syringes and needles to drug addicts, we cut back dramatically on the incidence of HIV and AIDS.

Fifty percent of the AIDS-positive people in the District of Columbia contract HIV from the use of contaminated needles. Seventy-five percent of the women in the District of Columbia who are HIV-positive got that way as a result of contaminated needles. Seventy-five percent of the children who are HIV-positive in the District of Columbia got that way as a result of contaminated needles.

This is a public health issue. My colleagues ought to poke their noses out of it. Let the District run their own business. They are condemning people to contract HIV and AIDS by proposing this amendment if it passes. More people will become HIV-positive and more people will die of AIDS as a result of this amendment if it passes. It should be defeated.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

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

Mr. SOUDER. Mr. Chairman, let me make it clear. There are only two scientific long-term studies, one in Vancouver and one in Montreal. In Montreal, the number that contracted the AIDS virus more than doubled; in Vancouver, it was higher among participants in the program.

Furthermore, one prominent advocate of the needle exchange program said most needle exchange programs provide a valuable service to users. They serve as sites of informal and increasingly formal organizing and coming together. A user might be able to do the networking needed to find good drugs in the half an hour he spends at the street-based needle exchange site—networking that might otherwise have taken half a day.

This does not help HIV people. This does not help drug addicts. The merciful thing to do, the caring thing to do is to help people get off of their addiction, not to fuel their habit by giving them free needles paid for by the taxpayers either directly or indirectly.

This idea that the money is not fungible is laughable. Either directly or indirectly, it should not come from the taxpayers of Indiana or anywhere else to fuel drug habits that also can lead them to the HIV virus.

Mr. Chairman, my amendment would prohibit the use of any of the funds appropriated by this bill to finance needle exchange programs in the District of Columbia. The reasoning is simple: needle exchange programs sanction and facilitate the use of the same illegal drugs we are spending billions of dollars to keep off our streets, send the wrong message, and simply don't work. It is consistent with the needle exchange ban we passed last year and that was enacted in the bill last year, and I urge my colleagues to vote against the provisions of this bill. This amendment restores the exact language that passed last year with 240 votes and was signed by the President.
women, where the rate of infection is growing faster than among men, it is the highest mode of transmission.

Scientific evidence supports the fact that needle exchange programs reduce HIV infection and do not contribute to illegal drug use. The American Medical Association, the American Bar Association, the American Public Health Association, the American Academy of Pediatrics, and the United States Conference of Mayors all have expressed their support for needle exchange, as part of a comprehensive HIV prevention program. Dr. C. Everett Koop, former Surgeon General, also expressed support for clean needle exchange programs.

These are his words, “Having worked on the HIV/AIDS epidemic since its emergence in the U.S., I . . . express my strong belief that local programs of clean needle exchange can be an effective means of preventing the spread of the disease without increasing the use of illicit drugs.”

Once again, we are engaged in heated debate over policies that are best left in the hands of the scientific community. We should not be determining health policies.

The District of Columbia has had a local needle exchange program in place since 1997. By using its own funds the number of new HIV/AIDS cases due to intravenous drug uses had fallen more than 65% through 1999. This represents a significant decline in new HIV cases, across all transmission categories, over this time period.

Mr. Chairman, AIDS is the third leading cause of death in the District. Without a needle exchange program, HIV will spread unchecked, and many people will be at risk.

Public health decisions should be made by public health officials; science should dictate such decisions, not politics. I urge my colleagues to allow the District to make its own decisions on how best to prevent new HIV infections. Vote “no” on this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today to oppose the Souder amendment and the bill for several reasons.

The bill ignores the fact that needle exchange does not increase drug use. It ignores the fact that some public health officials have found individuals infected with HIV if they used clean needles.

Needle exchange programs make needles available on a replacement basis only, and refer participants to drug counseling and treatment. Numerous studies concluded that needle exchange programs have shown a reduction in risk behaviors as high as 80 percent in injecting drug users, with estimates of 30 percent or greater reduction of HIV.

Mr. Chairman, it has long been known that socioeconomic status impacts not only an individual’s access to and use of health care but also the quality and benefits derived from health care. Impoverished communities have higher numbers of homeless individuals. Homelessness, in turn, increases risk for HIV due to associated high rates of substance abuse and prostitution.

The Federal Office of Minority Health has determined that increased economic inequality is the driving force behind the rising health disparities among Americans. Today, racial and ethnic minorities comprise approximately 27 percent of the U.S. population, but account for more than 66 percent of the Nation’s new AIDS cases.

Mr. Chairman, last year I said this amendment was politically driven, rather than scientifically based and that still remains true. This bill whips on the poorest of the poor. This bill puts at risk millions of Americans who might be married or committed to someone who they may not know is an intravenous drug user. More importantly, this bill puts children at risk.

Mr. Chairman, in order to stop the spread of HIV and improve the health care of those already infected, prevention and intervention programs that are designed to address the specific needs of the population affected must be supported. The D.C. “clean” needle exchange program has substantially increased the number of residents who are not at risk, and members of the District to vote against this thoughtless amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the noes appeared to have it. Mr. SOUDER. Mr. Chairman, 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 CHAIRMAN. Pursuant to House Resolution 563, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia government or any other party with the District of Columbia government or the District of Columbia government). The lease shall be in the District of Columbia government's interest.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of the lease contained in this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia government or any other party with the District of Columbia government or the District of Columbia government). The lease shall be in the District of Columbia government's interest.

(2) REPORT.—(a) The Mayor and Council shall submit a report which provides a comprehensive description of the management of the District of Columbia government real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia property management program for the periodic survey of all District government real property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Governmental Affairs of the Senate a report which provides a comprehensive description of the management of the District of Columbia government real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia government real property management program for the periodic survey of all District government real property to determine if it is surplus to the needs of the District.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia government (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease real property of the District of Columbia that the Mayor from time to time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor’s determination within 60 days of the date which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.
System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a).''

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.

Mr. PETRI. The provision makes changes to existing law by earmarking up to $5 million of the District of Columbia's federal highway funds to complete design and environmental requirements for the construction of expanded lane capacity for the 14th Street Bridge. This would be an unprecedented earmarking of State formula highway funds by the Congress.

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.

Mr. PETRI. Mr. Chairman, I raise a point of order against section 153 on the grounds that it is legislation on an appropriations bill in violation of clause 2 of rule XXI of the rules of the House.
13 of title 31, United States Code, or of any provision of this Act.

(b) More than one payment may be covered by the same affidavit under subsection (a), but a claimant may not cover more than one week’s worth of payments.

(c) It shall be unlawful for any person to order any other person to sign any affidavit required for purposes of subsection (a), or for any person to cause any person to be required to provide any signature required under this section on such an affidavit by proxy or by machine, computer, or other facsimile device.

SEC. 166. The District of Columbia Health and Hospitals Public Benefit Corporation may not obligate or expend any amounts during fiscal year 2001 unless (at the time of the obligation or expenditure) the Corporation certifies that the obligation or expenditure is within the budget authority provided to the Corporation in this Act.

SEC. 167. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 168. (a) Notwithstanding any other provision of law, the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13-399) shall not take effect.

(b) Nothing in this section may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

AMENDMENT NO. 23 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 printed in the CONGRESSIONAL RECORD offered by Ms. NORTON:

In section 168, strike “(a)” and all that follows through “(b)”.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Oklahoma (Mr. ISTOOK) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

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

I rise to ask that subsection (a) of section 168 be stricken as moot. It certainly repeals a section of D.C. law soon to be vetoed locally. The Congress like every legislature or law enforcement body always prefers to have people act on their own.

This is what the mayor and the D.C. council have done to extinguish the controversy that arose concerning the council bill to provide contraception as an option in insurance sold in the District. The council, on its own, came close to adopting a conscience clause but narrowly failed. Now indisputably the council is not already, willing and able to act. A joint letter from Mayor Anthony Williams and Council Chair Linda Cropp to the chairman indicated that they, quote, “who know the issues best and all the parties well are prepared to address the necessary clause, giving great weight to parties in the District who advocate family planning and religious liberty,” end quote.

To make good on his letter, the mayor has doubled, on television, that he will pocket veto the contraception bill and work with the council to produce an acceptable compromise. The mayor is using a pocket veto rather than a veto now not because of any reluctance to veto the bill, but because he has himself to bring all the parties together to a solution acceptable to all.

Mayor Williams is himself Catholic, and he has met with Auxiliary Bishop William Lori. He knows his council, and his judgment is that a pocket veto is what is appropriate if the point is to reach a solution acceptable to church and state alike, rather than further polarize the parties. The letter from Council Chair Cropp and Mayor Williams to the Oklahoma Governor (Mr. ISTOOK) and the Mayor’s public announcement that he will pocket veto the bill as well as assurances of the pocket veto received here in writing to the chairman makes subsection (a) of section 168(b) moot. What would remain is section 168(b).

This section relating to religious and moral concerns more than satisfies the issue that has been raised in the Congress. Not to strike section (a) comes close to an insult to the Mayor and the Mayor Chair who have given their word in writing and publicly. In political life, a public man or woman’s word is his or her bond. What D.C. officials have written and the Mayor has publicly declared concerning a pocket veto surely closes the circle and gives all the assurances that out of respect and dignity should ever be asked.

There is more. As you know, D.C. law is not law until it lays over for 30 legislatively determined days, which means that considering the upcoming recess days, no bill could become law until sometime in March. To add to that insurance policy, the Congress can on its own, sui sponte, introduce and enact any bill or amendment concerning the District, such as your all-consuming power over the District of Columbia.

Mayor Anthony Williams and Council Chair Linda Cropp and the D.C. City Council deserve their dignity as grown-up public officials with reputations for integrity to be get elected to govern our Nation’s capital. I ask you to show them the same respect we ourselves would demand. Please strike section 168(a).

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

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

I am going to have a somewhat mixed response to the comments by the gentlewoman from the District of Columbia. I am not talking about here, I have not, I do not think, been fully stated, and it needs to be. I believe the date was July 11 when the Council had its meeting.

At that meeting, an ordinance came up for consideration requiring placing a mandate compelling employers in the District of Columbia to make one portion of health insurance coverage be contraceptives would be covered, that they would be part of the benefit. Now, we could have a separate debate, we are not going to, but we could have a separate debate about what happens when you keep putting different mandates on health insurance. No matter how one can sense some particular mandate may seem to some people, it still drives up the cost. It is like every time you buy a car, they say, do you want this option or that option, or anything else that you purchase that you have got options, the more options you choose, the higher it costs. The same thing is true, of course, with health insurance.

If you require that people cannot buy health insurance unless you get it with all these options, then you find that this mandate can be interpreted just like they could not buy a plain car if they had to buy the ones with all the options with it. Now, that is a separate issue because frankly it is not the core of the debate but that is where it started.

They said we want to mandate. We want to mandate if you are an employee in the District of Columbia and you are offering health care benefits, you cannot do it unless you include it. Now, we could go on and on and on about the process of doing so, there had been a lot of work behind the scenes and a lot of debate and a lot of effort by the D.C. Council and by people within the community bringing up the issue of a conscience clause.

The Catholic Church, and entities affiliated with it, which has religious beliefs that are negative toward contraceptives, at least in the way that many other people may look at them, but the Catholic Church is a major employer in the District of Columbia. Georgetown University, the hospital services they provide, I will mention maybe as part of the laundry list later, but the point is they said, “For us and for other people, you are asking us to be doing something that is against our beliefs. You shouldn’t do that.”

We have got the first amendment protecting religion in this country. And what happened—and people saw it and they read—it was that a little bit of a fire storm developed because rather than accommodating a good faith request for a conscience clause for people who have a religious or moral problem with providing contraceptives, the D.C. Council ran roughshod over this. Not only that, they conducted a hearing that was vitriolic toward people of faith in general and the Catholic Church in particular. Now, we did not sit well with this Congress. That did not sit well with a great many people in the District. That did not sit well with people in the country. So we put in the bill a simple
provision under our authority, under our obligation of article 1, section 8 of the Constitution, to have the legislative authority over the District of Columbia, saying this proposed law, that I believe ultimately was even adopted unanima. The D.C. Council's proposed law shall not take effect, cannot do it. And if you come back to fix things, to adopt a conscience clause, make sure that it covers religious beliefs and moral convictions, which is the basis that is found in the federal standard that we have adopted, for example, for the Federal employees health benefit plan. The federal standard provides coverage for contraceptives that a person does not want to do it, must be done so in violation of a religious belief or a moral conviction of the employer, employee and so forth. So we have got that in there.

The gentleman from the District of Columbia, however, makes an objection to the portion, and to her credit she is not asking that we strike the entire section, she is not asking that and nobody should think that she is. She is not asking that we strike the section that they made another come back and do something again, they must provide a conscience clause for religious belief and moral conviction. What she is requesting is that we strike the part that says this proposed law shall not go into effect.

Well, why? Because, she says, having been subjected to this fire storm, the mayor and the council have learned and they have made public statements that they don't want to do it. They have made a public statement, indeed he has done so to me in writing, that he intends to do a pocket veto of the bill.

Now, that legislation was passed by the D.C. Council a couple of weeks ago, and he has had an opportunity to veto this legislation. He has had the opportunity. He could just take it, write veto, and it is vetoed. And then what is left for us to do?

Instead, he said he wants to use a procedure that drags it out, that gives them, I think it is about 10 business days or so, that may ultimately result in vetoing that legislation which so many people find so offensive, but he has not done it yet. We are dealing with the here and now. We are talking about the current circumstances, which is that this provision is alive, and people want to look to us and they say, why don't you do that that the mayor has made a public statement, indeed he has done so to me in writing, that he intends to do a pocket veto of the bill.

If we do not use our opportunity to disapprove it, who are we siding with? The mayor could veto this bill, the bill that was passed by the D.C. Council. He could veto it. He has chosen not to do so. He has said he will do it with a pocket veto in the future. I believe him.

Nevertheless, right now it is a live issue. And since a live issue is before us and people in the District government knew the basic schedule of when this bill would come to the floor, they could have taken action before it got to this point. They have not chosen to do so. The D.C. Council have gotten together and said, we rescind, we take back what we did. They have not done that. They have had time to do it. They have not done it. People want to know where we stand. I believe that the basic schedule of when this bill is now, should not accept this amendment, we should oppose it, but certainly we look forward to the future when the D.C. Council and the mayor will actually take action, not just say they are going to do something but will actually take action to fix this situation.

Mr. Chairman, I would like to include a letter from the National Conference of Catholic Bishops and printed excerpts from D.C. Council proceedings on this issue.


To Hon. ERNEST ISTOOK, JR.

DEAR MEMBER OF CONGRESS: As the House of Representatives considers the District of Columbia appropriations bill for Fiscal Year 2001, I write to explain the need for strong conscience protection in the bill's provision on mandated contraceptive coverage.

As approved by committee, the bill prevents implementation of the D.C. City Council's proposal to forbid contraceptive prescriptions in the District of Columbia, to buy coverage for a broad range of contraceptives and abortifacient "morning-after" drugs for their employees. The bill also expresses the intent of Congress that any future D.C. legislation on this issue include a conscience clause that "provides exceptions for religious beliefs and moral convictions.

On the House floor there may be an effort to delete or weaken this provision, possibly by deleting conscience protection based on moral convictions. Congress should reject such a change.

We object to a government mandate for contraceptive coverage. At a time when tens of millions of Americans lack even the most basic health coverage, effort to mandate elective drugs and devices which many people find objectionable and can pose serious, even life-threatening health risks is misguided. In addition, any such mandate will cause needless injustice if it does not provide full protection to those who object for reason of conscience. This is so for several reasons:

- **Narrow Language Protecting Only Churches**
  - Is Inadequate. City Council members who are strongly favoring contraceptive mandate could interpret the conscience clause for "religious organizations" when they approved their bill July 11. But they defined a "religious organization" so narrowly that it would exclude hospitals, universities, religiously affiliated social service agencies such as Catholic Charities, and even Catholic elementary schools. An organization could qualify for exemption only if its "primary purpose" is the "inculcation of religious beliefs"—and as a Council member observed, that could be "the teaching of religion, or of another religion.

- **District of Columbia**
  - Has Not Acted on this Issue. And since a live issue is before us and people in the District government knew the basic schedule of when this bill would come to the floor, they could have taken action before it got to this point. They have not chosen to do so. The D.C. Council have gotten together and said, we rescind, we take back what we did. They have not done that. They have had time to do it. They have not done it. People want to know where we stand. I believe that the basic schedule of when this bill is now, should not accept this amendment, we should oppose it, but certainly we look forward to the future when the D.C. Council and the mayor will actually take action, not just say they are going to do something but will actually take action to fix this situation.

We believe contraceptive mandates should not be imposed on private organizations. But if some form of mandate is adopted, effective
July 26, 2000

CONGRESSIONAL RECORD — HOUSE

H7057

protection for conscientious objection on both moral and religious grounds should be ensured.

Sincerely yours,

Rev. Msgr. DENNIS M. SCHNURR,

General Secretary.

Remarks by D.C. Council on Contraceptive Coverage

KATHLEEN PATTERTON (WARD 3)

"It would, in fact, put the District in the role of workplace police, if you will. . . . If we approve this amendment, we are, as a matter of policy, permitting one particular large and powerful institution to determine, in a District workplace, what comprehensive health care coverage."

SHARON AMBROSE (WARD 6)

"If some other religion, let's say some other religion that is not quite so large an employer in Ward 5 and in the city in general as is the Holy Roman Church. Let us say another religion, Mrs. Allen's Sunday Morning Worship Service over on K St., SE. . . . what if decided it was going to exclude certain employees of its large church kitchen from coverage in its plan. Would that be, would that be OK?"

JIM GRAHAM (WARD 1)

"And you know, I spent years in this city fighting—and let me mention the Catholic Church specifically. Catholic Church legislation in terms of availability of condoms in this city which prevented, which prevented us from having an effective program in many instances with the prevention of the transmission of HIV. Now I see on both of these amendments—the standard religious belief, religious belief whether it be bona fide or not. I am very concerned about having religious principles impact health policy. . . . what does this mean is terms of domestic partnership? . . . Are we going to say that we are going to defer to Rome in terms of our views on whether domestic partners should be covered by insurance plans that happen to be operated by religious organizations?"

DAVID CATANIA (AT-LARGE)

"I mean, so to suggest that the church is somehow uniquely burdened in this society by this minor provision. I think is absurd. . . And, I want to associate myself very strongly with the comments of Mr. Graham, not only with respect to the teaching of some churches on gay and lesbian issues, but also the role of fighting against the use of contraceptives and not to have it in the spread of HIV."

KEVIN CHAVOUS (WARD 7)

". . . And not necessarily this feeling that we should respect the individual religious doctrine of a certain organization. . . . and urge my colleagues to act not just on this nation that we are, and this has nothing to do with separating church and state. I mean, we're not imposing our will on any particular religious organization. Again, the question is to what extent should we accommodate the religious organizations that seek to profit off of the public in some way."

JIM GRAHAM (WARD 1)

". . . we are permitting religious principles to make public health policy. . . . There is a difference bin the words 'tenets' and 'beliefs,' but it is the same thing. It's the same thing. The church will now determine, if you wish, the church will determine, if you wish, why contraceptives and contraceptive devices will now be available. We're going to turn over the responsibility for these decisions in effect to the pope. . . Because ROME has determined that this is against the tenets of the Catholic Church, we are not going to have access to this of the terms of your health care plan . . . My problem of surrendering decisions on public health matters to a church so that religious principles rather than sound public policy can determine whether a contraceptive device is or is not available. . . . The church will say, we have to, we have to say, we respect what are homophobic points of view."

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

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

Mr. Chairman, I have had it. I have really had it. Why do you see people going to the doctor screaming at the top of their lungs, something I do not encourage now and did not encourage then, it has a lot to do with what we have just heard.

A mayor of the District of Columbia who has credibility with every Member of this body has indicated in writing and publicly on television that he will pocket veto a bill, and the reason he is going to pocket veto the bill is because if he just vetoed it in the face of the council, then it would be hard of him to bring the Catholic Church, and he is a Catholic, together with his council.

He has indicated publicly, this mayor, who has high credibility in the world, that he is going to do what this chairman has asked him to do. The mayor has asked me to accept the language this chairman has written and this chairman has just gotten up and said that that is not enough. We, in the District, are damned if we do and we are damned if we try to do what we say do.

A pocket veto from a mayor who is trying to do what you say do be all you need when he has accepted the language that we asked him to accept and when he is working with his own Catholic Church, and they have agreed not to come here to ask us to do another thing, we ought to declare victory and go home.

I am insulted by the fact that you would even contemplate my amendment by how hard my mayor and my city council have worked. You have cast aspersions on their credibility. You have indicated that the mayor had nothing to do with the debate in the council, it will never be enough for you.

You have two more bites at the apple. Supposedly he is a liar, and that is what you called him today. Supposedly he is a liar. You need to have a veto. You need to make it almost impossible for him to bring the sides together by putting a veto in his face. Supposedly he is a liar. You still have two bites at the apple by rubbing the city's nose in it, time and time again. Patience is running out with this body. I resent what the gentleman has done, and I want you to know it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take offense at the gentlewoman from the District of Columbia (Ms. NORTON), but I would expect that any of us if facing the same level of frustration and unfairness would react in the same passionate manner.

She is defending, not only her constituents but a process, a democratic process, that she believes in to the extent that she believes that caused all of us to get into public service, and the fact is, she is right, Madam Chairman. The mayor of the District of Columbia said he is going to pocket veto this bill. We have to do what the mayor, I cannot believe any of us do not believe that he is going to do that. So if we believe he is going to do that, why are we doing this?

He is going to insist that there be a religious exemption clause. People that have moral objections are going to be able to raise them. So why are we doing this, putting this offensive language in this bill? I just want to show that we are more powerful than them, just to show them. She is right. This is wrong.

Now, let me also say it is wrong for insurance companies to cover viagra for men and not cover contraception for women. Let us say, it is. What could be more unfair? All this contraceptive equity provision says is that insurance companies ought to be fair and start respecting women, when contraception is the largest single expense, the out-of-pocket expense, for women during most of their lives. It ought to be covered.

So it is the right legislation. They should have passed this legislation, and it is also true that most of these Catholic institutions are self-insured. It does not even apply to them. They are self-insured.

Let me also say something else. I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, I understand the sense of frustration and disappointment that Councilman J im Graham expressed on the D.C. council on this matter.

I expressed disappointment with the Catholic Church as an institution because of its position towards homossexuality. That is his right. So I do not blame him for that. I know he wishes he had not said that, but these are debates that belonged in the D.C. council. These are debates and issues that should be settled, should be settled by the D.C. government.

The Catholic institutions within the D.C. government have plenty of access. They are well respected, deservedly so. They contribute tremendous benefits to D.C. government and its society. They will be fully reflected in the legislation that becomes law, and that is the way it ought to be. We have no business getting involved in this issue, particularly when we have no legitimate role to play.

The gentlewoman from the District of Columbia (Ms. NORTON) is absolutely right. This is a situation that is going to take care of that situation. Let him take care of the situation. He will be held accountable. He should be held accountable. He
AIDS deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African-Americans aged 25–44 in the District. In spite of these statistics Republicans have singled out the District and attempted to shut down programs that the local community has established to fight HIV infections. This Congress should be supporting the decisions that local communities make about their health care. Giving local control back to the American people has been a major theme of the current Congress, and interfering with District self-governance is contradictory to that goal.

Numerous health organizations including the American Medical Association, the American Public Health Association, and the National Alliance of State and Territorial AIDS Directors have concluded that needle exchange programs reduce HIV transmission and do not increase drug use. I also object to the provision in this bill that prevents the Health Care Benefits Expansion Act from being implemented. The District passed this legislation eight years ago to allow District residents to receive health insurance for a domestic partner, take family and medical leave to care for a partner, and visit a hospitalized partner. This legislation provides basic, fundamental health care rights that all Americans should enjoy regardless of sexual orientation. Over 3,000 employers around the country, including hundreds of cities, municipalities, private and public college and universities, have established domestic partnership health programs. A list of these firms includes almost a hundred of the biggest, like AT&T, Citigroup, and IBM. These companies understand the benefits of offering these programs in today's competitive work environment.

Cities such as Atlanta, Chicago, Los Angeles, San Francisco and New York all have domestic partnership benefits in place. Congress has taken no action to block any of the domestic partnership benefits provided by hundreds of municipalities throughout the nation. Gay and Lesbian Americans in the District of Columbia and across the country make significant contributions to our society and their relationships, in the community and in the workplace, should be treated with respect. I urge my colleagues to support the Norton Amendment.

Ms. PELOSI. Mr. Chairman, I rise in support of Representative NORTON's Amendment because I am concerned about several of the provisions in the 'General Provisions' section of this bill. Specifically, I object to discriminatory riders targeting the District's lesbian and gay people, and people living with HIV/AIDS. Approximately half of all new HIV infections are linked to injection drug use, and three-quarters of new HIV infections in children are the result of injection drug use by a parent. Why would we pass up the opportunity to save a child's life by shutting down programs that work?

Although AIDS deaths have declined in recent years as a result of new treatments and improved access to care, HIV/AIDS remains the leading cause of death among African-Americans aged 25–44 in the District. In spite of these statistics Republicans have singled out the District and attempted to shut down programs that the local community has established to fight HIV infections. This Congress should be supporting the decisions that local communities make about their health care. Giving local control back to the American people has been a major theme of the current Congress, and interfering with District self-governance is contradictory to that goal.

Numerous health organizations including the American Medical Association, the American Public Health Association, and the National Alliance of State and Territorial AIDS Directors have concluded that needle exchange programs are effective. In addition, at my request the Surgeon General's office has prepared a review of all peer-reviewed, scientific studies of needle exchange programs over the past two years and they also conclusively found

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

Mr. SPENCE moves that the House take from the Speaker's table the bill H.R. 4205, with the Senate amendment thereto, dis-agree to the Senate amendment, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk reads as follows:

Mr. SPENCE moves that the House take from the Speaker's table the bill H.R. 4205, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from South Carolina (Mr. SPENCE) is recognized for 1 hour.

Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I look forward to going to conference with the Senate and bringing back an agreement that can be supported by all of my House colleagues.

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

The previous question was ordered. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The motion was agreed to.

MOTION TO INSTRUCT CONFERENCE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk reads as follows:

Mr. Taylor moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be given lifetime health care in a military honorably for 20 years, they would be given lifetime health care in a military installation.

Mr. Speaker, as a result of the Defense drawdown and as a result of the shrinking Defense budgets, the Department of Defense was unfortunately left with no other choice but to start asking military retirees who have attained the age of 65 to go out and see a private sector doctor and have Medicare pay the bill.

After going to the same hospital since they were 18 years old or 19 years old, you can imagine how angry they were, because they had kept their promise to our Nation, and our Nation did not keep its promise to them.

It is said when a politician breaks his word, shame on him; but when a Nation breaks its word, shame on all of us.
In May, the House took what I thought was the unprecedented step of making lifetime health care for military retirees, for the first time it will be treated the same as Medicare and Medicaid and that money will be there every year and not subject to an annual application.  

Mr. Speaker, I was very pleased to have a number of people helping on that, Democrats and Republicans from all parts of our country, in an united effort that just passed the House by 400 votes.  

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), one of the Members that helped make this possible.  

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for granting me this time, and I urge my colleagues to support the motion to instruct conferees that has been offered by the gentleman.  

The motion directs the House conferees to maintain the House position in conference on expanding and making TRICARE Senior Prime permanent.  

As you may recall, on May 18 during consideration of H.R. 4205, the Floyd D. Spence National Defense Authorization Act for fiscal year 2001, the House overwhelmingly voted 406 to 10 to make permanent TRICARE Senior Prime, more commonly known as Medicare Subvention. The House sent a clear signal that Medicare Subvention should continue to be available to our Medicare-eligible military retirees and their families. Expansion of permanent authority for Medicare Subvention is a vital step toward fulfillment of the commitment made to our career men and women in uniform who were promised access to health care services for life.  

We made a promise to take care of those who served their Nation with distinction for 20 years or more. We must keep that promise. The motion to instruct conferees to retain the House position will help to ensure access to medical care for Medicare-eligible military retirees.  

By spreading TRICARE Senior Prime to military hospitals and making the program permanent, we will begin to meet our promise. Medicare Subvention is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities. Military retirees and their dependents that participate in the program are very satisfied with the quality of health care they receive. In fact, there are many retirees and their family members in the current test areas that have been placed on a waiting list because military treatment facilities cannot take more patients at this time.  

As I have stated before, this is the year of military health care. As the ranking member of the House Committee on Armed Services, I focused on the need to improve access to health care services for men and women in uniform, particularly for our Medicare-eligible retirees. Retention of TRICARE’s Senior Prime is the first important step in meeting our moral obligation to provide access to quality health care for our military retirees and their families.  

Mr. Speaker, I urge my colleagues to support this motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).  

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

Mr. Speaker, the motion by the gentleman speaks to a provision that passed this House by an overwhelming vote of 406 to 10 on May 18. I supported the provision at the time, reflecting my strong support for addressing the health care crisis afflicting our over-65 military retiree population.  

Since that vote, the Senate, the other body, adopted a differing proposal to accomplish the same objective that in turn will form the basis for negotiating between our two bodies. Given the support in both Chambers for each of these provisions, it is clear to me that the conference will bring back an agreement that goes a long way toward addressing this legitimate and pressing priority. Accordingly, I will support and urge my colleagues to support the gentleman’s motion as a further affirmation of the bipartisan and bicameral commitment to address the unacceptable situation facing our military retirees.  

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.  

Mr. Speaker, let me say that I certainly welcome the support of the gentleman from South Carolina, a person who has served our country all the way from a paratrooper to the chairman of the Committee on Armed Services.  

Mr. Speaker, it is the bipartisan spirit in which we passed this amendment and hope to keep this amendment in the bill in the final form, I yield such time as he may consume to the gentleman from Maryland (Mr. BARTLETT). Mr. Speaker, I am very pleased to rise in strong support of the Taylor motion to instruct the conferees.  

I have seen the recruitment brochure from a recruiting office many years ago, when those who are now our seniors were recruited. The recruitment brochures promised them and their family lifetime care in a military facility. We have broken that promise, and we are now paying a heavy price for having broken that promise.  

Three of the services are now unable to meet their recruitment goals, and that is partly because when prospective enlistees confer with their father or their uncle or their grandfather, they frequently get the advice that “I am not sure that you can believe what they are telling you, because they did not keep their promise to me.”  

We are having problems with retention for exactly the same reason, because our young men and women in the military are not sure that what we have now promised them is going to be there after they retire because we have broken our promise to their elders.  

What Medicare Subvention does is to permit our retired military people, who either with great difficulty or not at all, can now get health care in a military facility. For those who have not been in the military or worked for the military and lived in a rural community, they cannot understand the sense of community that these people have, how important it is that they continue to get health care where they have gotten it all their life, in a military facility.  

We have had a demonstration project which has been very successful, and what the legislation now in conference does is simply to make this universal and permanent. It is the right thing to do for the benefits that accrue from this are enormous compared to the modest cost, because the cost should be very, very modest, because Medicare Subvention assures that the money is going to be there.  

What this does is to help us in recruitment and help us in retention. Even if there were a meaningful cost, I think that that cost should be more than justified by the benefits that we are going to have in recruiting and keeping our young people in the military.  

This is the right thing to do. My only regret is that we did not do it years ago. But we are doing it now. So let us make sure that our conferees understand that we want them to hold with the position that we voted so overwhelmingly here in the House.  

Again, I want to thank the gentleman from Mississippi (Mr. TAYLOR) for his commitment to this cause.  

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).  

Mr. CUNNINGHAM. Mr. Speaker, the promise for veterans health care has been 58 years, 58 years. The subvention bill was not written by Duke Cunningham; it was written by my constituents in San Diego, California.  

I was the originator of this subvention bill. Why? Because nothing was being done for our veterans. TRICARE, if you live in a rural area, is a Band-aid and does not serve. Subvention, if you live in a rural area, my bill is a Band-aid if it is not controlled.  

I am going to support this. Even though it was in my bill, I have concern. Subvention, TRICARE, TFEHP, like civilians have, if you take a civilian secretary that works alongside a major or lieutenant commander, when they retire they get a government health care plan that supplements their Medicare. The military worker does not.  

There is a board already formed looking at what is the most universal way that we can provide this health care;
and whatever that is, I would hope that this House and the other body will come together to provide whatever is needed, whether it is a combination of TRICARE, a combination of subvention, or FEBHP. I do not feel that subvention is the end-all for our veterans, and I would hope that we come together on that.

I would also tell my colleagues there was another promise. My colleague, the gentleman from California (Mr. Filer), is working on it, as I am. A promise was made to our Filipinos in World War II on that health care. It has not been completed, and I would hope that this body and the other body would act on that as well.

Mr. Speaker, I want to commend the gentleman for what he has done. I still have concern that it may in some way, down the line, if we do not come together, negate what we could do in totality for our veterans. I would like to work with the gentleman to make sure that that fruition.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. Cunningham) for his assistance on this. As the gentleman pointed out during the previous debate, he was truly one of the founding fathers of the idea of subvention. And I do not claim to have invented it; I just think it is a heck of a good idea.

For the public who may not quite understand what we are trying to do, we are trying to fulfill the promise of lifetime health care to our Nation’s military retirees, a promise made to them. We are trying to do it in a way they are comfortable with. They have been going to military treatment facilities for most of their lives, and they are justifiably angry that upon hitting the age of 65 they are being turned away from the treatment facilities, when they have been promised they could use that facility, they and their spouse, for the rest of their lives.

It is also something that we did not point out in the first debate, but if you look on the pay stub of the people who serve in our Nation, on their tax form they pay into the Medicare Trust Fund, just like every other American. So the question is, should not they be allowed to take that Medicare that they have contributed to and use it in the facilities that they wish to go to? That is the hospital on a military installation.

Let us give them the choice that every other American has been having, to go to the private sector. Let us let them go to the hospital that they want to go to. We know that we can save money.

The Treasury report that came out just a couple of days ago showed that the Nation has a couple of unprecedented surpluses, really had to borrow $11 billion from other trust funds thus far this year. There is not a lot of money laying around. But we know that with Medicare Subvention, that we can treat these same people for 95 cents on the dollar of what we would have paid a private sector doctor for the exact same treatment. So we are going to let them go to the hospital they want to go to. They have not only paid into the system with their taxes, but paid into the system with at least 20 years of dedicated service to their Nation. They deserve it.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. Jones). Mr. Speaker, I thank the gentleman from Mississippi for yielding time, as I thank the chairman of the Committee on Armed Services.

This is an important motion to recommit, to make sure that those who serve on the conference understand that the House, as the chairman of the Committee on Armed Services said, almost 100 percent said that we want to keep our promise to those who are 65 years and older will have adequate health care.

I want to thank the gentleman from Mississippi, because I know he has been fighting this issue for a couple of years, and I also want to thank my colleagues from the Republican Party as well as the Democratic Party to be part of this amendment.

Mr. Speaker, I have 77,000 retired veterans in my district of about 13,000 retired military retirees. I have three military bases: two Marine, Camp Lejune and Cherry Point Marine Air Station; and Seymour Johnson Air Force Base. Since I have been in Congress, for approximately 6 years, I can tell you from day one, the biggest issue that has been health care for our veterans and our military retirees.

I think we have made some great progress in the last 6 years to speak to this issue, because as has been said by the gentleman from Mississippi (Mr. Taylor) and by the gentleman from South Carolina (Chairman Spence) and others, the gentleman from California (Mr. Cunningham) and the gentleman from Maryland (Mr. Bartlett), those men and women who have served this Nation, whether it be wartime or peacetime, certain promises were made to them, and if you cannot look to your government who made that promise to keep that promise, then there is a big problem; and in the eyes of many military retirees who have served this Nation, the Government has not kept its promise.

I want to thank again the gentleman from Mississippi (Mr. Taylor) and the gentleman from South Carolina (Mr. Spence), because we are keeping that promise now; and this amendment by the gentleman from Mississippi (Mr. Taylor) was certainly a great step forward, as it deals with those who are reaching the age of 65.

Many of our veterans and retirees are like all of us, with the better quality of life and health care, we are living to be in the seventies and eighties, and these men and women were made a promise, and the promise should be kept.

So I strongly support this motion to instruct conferees as it relates to the Taylor amendment, because this issue of Medicare Subvention is with us, and we have to do the right thing for those men and women who have served this Nation.

Mr. Speaker, as I start closing down on my comments, it is always brought to my attention back home that we seem to find the money to send our troops to Bosnia, or we seem to find the money to go to Yugoslavia. I think Bosnia and Yugoslavia both have probably cost the American people about 10 or 11 billion, and yet we have got men and women who have served this Nation that do not have adequate health care.

That is what this bill is doing and that is what this amendment by the gentleman from Mississippi (Mr. Taylor) is doing. We are finally saying to those who have served we are not going to keep them waiting. We are going to start addressing this issue of them having adequate health care and we are going to make sure that they have it.

Mr. Speaker, let me quote Abraham Lincoln because he said it better than I could ever say it. He said, “Let us care for him who shall have borne the battle and for his widow and his orphan.”

I think that should always be a reminder to those of us in Congress that men and women who have served this Nation in wartime or peacetime, that we made a promise to give them the very best of health care and I want to say to them today that we are taking giant steps to keep that promise.

I want to thank the gentleman from Mississippi (Mr. Taylor) for his effort. I want to thank the chairman of the Committee on Armed Services who has been fighting to help those men and women to have the very best health care possible.

I am pleased to support this motion to instruct.

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

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the last point I would like to make is that since the passage of this amendment I have had the opportunity to visit with the surgeon general of the United States Air Force, and I had some concerns that quite possibly the services, if they were not in favor of this idea, could administratively block it.

I asked him, I said if we can find the money for this will it make it work? I am not smart enough to remember his exact words, but his sentiments were that he was extremely excited about the idea of being compensated for taking care of 65 and older retirees, something that he has been doing basically out of hide.
The second thing that he was extremely excited about is the variety of health care cases that his doctors will now be able to see and be compensated for, because, as he said, and I will never say it as well as he did, cardiologists do not see when all they are taking care of is 18- and 19- and 20-year-olds; but in order to have them well trained for mobilization, it is important that some of the older retirees are included in this mix so that those people can hone their skills that they are going to have to develop in the event of a national emergency.

So for so many reasons, I think this is a good idea for our Nation. Number one, it is the right thing to do. We are going to keep our promise to those people who kept their promise to us.

Number two, we are going to do it in a fiscally responsible manner.

I think, Mr. Speaker, quite frankly, I am most pleased that in the history of this committee we have tried to do things in a bipartisan manner. I am most pleased that we are going to keep that promise in a bipartisan manner. I very much welcome the remarks of the chairman of the committee. I very much welcome the remarks of gentleman from Missouri (Mr. SKELTON), the ranking member.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the chairman from Missouri (Mr. TAYLOR) for yielding me this time.

Mr. Speaker, I rise in opposition. The Congressional Budget Office has estimated that this national missile defense system, which is part of this report, will cost $90 billion to build and deploy. Congress intends to spend $12 billion in the next 6 years. The SDI Star Wars system has cost the taxpayer more than $60 billion, and it is estimated that this system though less far-reaching than Star Wars will cost more--more than $122 billion on various missile defense systems. We need to reorganize our priorities and look at how we could better use these funds for programs that benefit the poor, seniors, and our Nation’s children.

Before the decision is made, three exo-atmospheric intercept tests have been scheduled to determine the system’s success rate and reliability to deploy the system, but one of those tests failed. The third test failed miserably as well. Three tests cannot define the technical readiness of the system and serve the basis for deploying a national missile defense.

According to the Union for Concerned Scientists, counters to such systems could be deployed more rapidly and would be available to potential attackers before the United States could deploy even the much less capable first phase of the system.

A member of the Union of Concerned Scientists details how easily countermeasures could be used against this system and would not have to use new technology or new materials.

We are the only superpower in the world. The deterrent that we currently have is sufficient. We have thousands of missiles on hand that act as a deterrent. Any attack by another state would not be massive and would not be able to completely destroy our country. Any attack would leave the United States and its Armed Forces intact.

Our deterrent is impaired only if another state had enough missiles to knock off ours before they launched. The national missile defense system will simply line the pockets of weapons contractors, spending billions of dollars for a system that does not work and does not protect against real threats. We will undermine our legitimate military expenditures and erode the readiness of our forces.

So who is benefiting from having a national missile defense system? According to The Washington Post, Boeing has already obtained a 3-year contract for almost $1 billion to assemble a basic system before the President even decided to deploy the system. The Post states that TRW has contracts for virtually every type of missile defense program. The military industry has the most to gain from a national defense system. According to The Washington Post, Lockheed Martin is the major contractor on theater missile defense with its upgraded version of the Patriot missile and the Army’s $14 billion Theater High Altitude Area Defense system.

Deploying a national missile defense system could politically succeed in setting the stage for a worldwide arms race and dismantle past arms treaties. The NMD violates the central principle of the ABM treaty, which is a ban on deployment of strategic missile defenses. It will undermine the nuclear nonproliferation treaty. It will frustrate SALT II and SALT III. It will increase dramatically the nuclear threat and the nuclear nations. It will lead to transitions toward nuclear arms by the nonnuclear nations. It will make the world less safe. It will lead to the impoverishment of the people of many nations as budgets are refashioned for nuclear arms expenditures.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the lessons I had to teach myself was that almost every Member of Congress represents about 600,000 people. Even those people I disagree with, everybody in this floor was elected by a majority of the voters and I am going to respect their ability to say what they want to say. I would like to remind the gentleman from Ohio (Mr. KUCINICH) that the matter at hand is health care for our Nation’s military retirees. This is a motion to instruct the conference to stick to the provisions of the bill, provisions that I think greatly improve health care for our Nation’s military retirees; a much better package than the other body.

At this moment we are instructing our conferees to stick to what I think is the better language of the two. It really has nothing to do with missile defense.

Mr. Speaker, again, it is always to be a position to be nonpartisan. This has been the chairman and ranking member with them and most of their subcommittee chairmen with them.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Mississippi (Mr. TAYLOR).

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

Mr. OLVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

TWENTY-FIRST ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform.

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95-454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Twenty-first Annual Report of the Federal Labor Relations Authority for Fiscal Year 1999.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

William J. Clinton.

EDUCATION DEPARTMENT'S MANAGEMENT OF TAXPAYERS' MONEY

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

Mr. SCHAEFFER. Mr. Speaker, I am here on a personal crusade. I came to Congress because I have got five children and I care about their school. They have been getting ready to go back to school in August.

A couple of things disturb me, Mr. Speaker. The Department of Education contract employees, some of them,
pleaded guilty to participating in a scheme to defraud the Department of more than $1 million in equipment and false overtime. They illegally procured equipment, including a 61-inch television set, digital cameras, and Gateway computers for the personal use of Department employees and their families.

That is not all. Another fraudulent overtime claim included a trip to Baltimore to pick up crab cakes for another Department employee. Two more Department employees were recently charged by the Department of Justice with involvement in this scandal, and as many as four other Department employees remain under investigation.

In 1998, the Department could not even audit its books, they were so badly managed. In 1999 when they did audit their books, they got a D minus.

Republicans have a different idea. We want to get dollars to the classroom and out of that bureaucracy over there. Mr. Speaker, unbeknownst to all but Beltway bureaucrats and a handful of reform-minded Members of Congress, the U.S. Department of Education has failed its last two financial audits. The nationally known and respected accounting firm Ernst and Young has attempted, for fiscal years 1998 and 1999, to determine if the Department of Education has spent the money sent to it by Congress appropriately and lawfully.

The sad truth is, we just don't know. The Department's books were unauditable for FY 1998. This means the auditors couldn't even form an opinion on the state of the Department's books, let alone say whether those books were balanced and accurate.

In FY 1999, the Department received a grade equivalent of a D–. This means the auditors could put the books together into some sort of coherence, but not well enough to give the Department a passing grade in Accounting 101. According to the auditors, if a private company received the same results the Department did on its FY 1999 audit, its stock would plummet. A real life example of this is MicroStrategy whose stock, on the day a critical financial mis-management.

Earlier this year, 39 students were incorrectly notified by the Department that they had won the prestigious Jacob Javits scholarships. The cost of the mistake? Nearly $4 million dollars. The theft ring and mis-identified students may be the tip of the iceberg. Who knows what other kinds of waste, fraud, abuse and mismanagement might be taking place right now because of the inaction of the AL Gore and Education Secretary Riley?

For example, in one academic year alone, $77 million dollars in Pell Grants were improperly awarded, and the Department forgave almost $77 million in student loans for borrowers who falsely claimed to be either permanently disabled or dead. The Department of Education also maintains a “grantback” account which at one time contained $750 million. Not surprisingly for an agency that cannot pass a basic audit, most of this money didn’t really belong there. So far, the Department has been unable to explain exactly where the money came from, where it went, or why it came and went.

Is a clean accounting grantable goal for a federal agency? Bureaucrats would have you believe it is, but we all know it isn't. In fact, businesses large and small comply with this simple measure of fiscal responsibility every day. Any business owner will tell you the importance of maintaining the confidence of investors and customers and to prevent waste, fraud and abuse.

The Department has failed to address its financial management for eight years running. Inaction has consequences and our children will pay the price. Fortunately, Republicans have responded to this inexcusable waste of taxpayer's investment in the education of American children. We have held numerous oversight hearings, continued a rigorous investigation and passed a bill requiring a comprehensive fraud audit of the Department by the General Accounting Office. We know what needs to be done. Until it is, the taxpayers' investment in the education of American school children will not reap anything close to maximum return.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JULY 25, 2000 AT PAGE H-6853

(The following additional to the statement of the gentleman from Wisconsin (Mr. Ryan) was omitted from the CONGRESSIONAL RECORD of Tuesday, July 25, 2000 at page H6853.)

Mr. Speaker, H.R. 4924, the “Truth in Regulating Act of 2000,” is a bipartisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under laws that it is the product of the leadership over the last few years by Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, Sue Kelly.

The most basic reason for supporting this bill is Constitutional: just as Congress needs a Congressional Budget Office (CBO) to check and balance the Executive Branch in the budget process, so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by David McIntosh, held a hearing on Mrs. Kelly’s earlier regulatory analysis bill (H.R. 1704), which sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105-441, Part II).

H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, “Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analysis it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations” (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued against creating a new Congressional agency on the basis of fiscal conservatism. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman David McIntosh and Small Business Subcommittee Chairwoman Sue Kelly, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Board of Auditors who already at McIntosh and Kelly introduced their bills in January and February 2000. On May 10th, the Senate passed its own regulatory analysis legislation, S. 1198, the “Truth
in Regulating Act of 2000,” by unani-

mous consent. Like the McIntosh and Kiley bills, the Senate legislation would also establish a regulatory anal-

ysis function within GAO.

During the 106th Congress, the Gov-

ernment Reform Committee did not hold a hearing specifically on H.R. 4924 but the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled “Does Congress Delegate Too Much Power to Agencies and What Should Be Done About It?”

At the hearing, Senator Sam Brownback and Representative J.D. Hayworth testified that Congress needs to assume more responsibility for regulations. Dr. Wendy Lee Gramm, Director, Regulatory Studies Program, Mercatus Center, George Mason University and former Administrator of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB); Alan Keyes; former OMB General Counsel; and David Schoenbrod, Professor of Law, New York Law School and Adjunct Scholar, Cato Institute, all affirmed that Congress needs to conduct more oversight on regulations, especially regulatory proposals lacking an explicit delegation of authority from Congress.

Witnesses discussed the need for a CORA function that would assist Congress in reviewing regulatory proposals for agency rules, which now impose over $700 billion in annual off-budget costs on the American people. Witnesses stressed the need for analytical assistance so that Congress could especially provide timely comments on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account non-agency legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency’s proposal.

Dr. Gramm testified that, “there’s clearly a need for more and better analysis that is independent of the agency writing the regulation...” In my view, this cannot be carried out by current staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolution of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan’s 1981 Executive Order 12291, “Federal Regulation,” and President Clinton’s 1993 Executive Order 12866, “Regulatory Planning and Review”) have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a $100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in the Food and Drug Administration’s proposed rule to regulate tobacco products, which was struck down by the Supreme Court in FDA v. Brown & Williamson, or backdoor legislating, such as in the Department of Labor’s “Baby UI” rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or non-agency data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public’s data.
in the course of evaluating agency rules. Although H.R. 4924 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that H.R. 4924 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by regulators. This reading of H.R. 4924 would defeat the whole purpose of the bill, which is to enable Congress to comment knowledgeable about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO’s independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. I say this, notwithstanding the words “where practicable,” which some CORA foes hope will ensure that all GAO analyses of proposed rules are untimely and, therefore, worthless. I am confident, despite the “where practicable” language, GAO will want to perform its customary duties, consult with employers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill proposed rules are untimely and, therefore, hopeless. I am confident that despite the “where practicable” language, GAO will want to perform its customary duties, consult with employers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FARM ECONOMY IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Minge) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I rise this afternoon to address this Chamber on the topic of the farm economy in the United States and the agricultural policies that we have adopted in Congress.

The 1996 farm bill, generally called the Freedom to Farm Act, has been effective in one respect, and that is it has given farmers flexibility to plant what they are interested in raising and not be tied as closely to particular commodities by the design of the farm bill itself.

Unfortunately, the Freedom to Farm Act has become a freedom to fail act, and we have farmers that are exiting from farming at a record rate. We have prices for commodities in this country that have dropped to levels that are as low as they have been in 100 years, if we adjust for inflation. We constantly hear about the plight of those who were producing oil and now we have gasoline at $1.75 a gallon throughout the country.

Well, if farmers had seen their prices go up without any adjustment for inflation, they at least would be paying $2.50 for corn, $3.00 for wheat, and high prices for other products. Traditionally, in the United States, in the midst of a very robust and healthy and growing economy, one sector of the American economy that is hurting severely is agriculture. So I am pleased to announce that today I have joined with my colleague, the gentleman from North Dakota (Mr. Pomeroy), and we have introduced legislation that is the Family Farm Safety Net Act of 2000.

The purpose of this legislation is to provide GAO with an outline or guide to the type of prices that are necessary in order to enable a farm to survive in the United States.

Since 1996, we can see what has happened to the prices for corn, wheat and soybeans. We have dropped precipitously. In 1996, corn was at $2.71 a bushel. Here we are in the summer of the year 2000, corn is roughly half that price at most of the elevators in the Midwest.

This certainly is not success in terms of agricultural policy.

In terms of flexibility, we also have a very fraught situation. This chart shows what has happened in terms of the planting of wheat compared to the planting of soybeans. Soybeans, according to agricultural economists, are favored by the current situation. Wheat, by comparison, is not as advantageous to raise. So as a consequence, we have seen the acreage of wheat, it has been reduced by thousands of acres, and at the same time, the planting of soybeans has gone up by about $2.50 a bushel.

It is almost impossible, Mr. Speaker, to get a jury to return a death sentence today. Despite polls showing very high support for capital punishment, it is one thing to favor the death penalty, but a much more difficult thing to actually impose it. It is so difficult, in fact, that most prosecutors will not even ask for a death sentence except in the most gruesome, horrible cases; and that is the main point I wish to make today, that juries return death sentences only in extremely brutal, terrible crimes.

In fact, it has been the law in this country for many years that an ordinary, simple murder, if there is such a thing, with nothing more, is not a capital case. To have a case justifying the death penalty, there must be aggravating circumstances that outweigh any mitigating factors, anything sympathetic in favor of the defendant. There have to be multiple crimes or killings, circumstances that make the case especially heinous.

I do not think a death sentence is appropriate except in 1 in 1 million very rare, very unusual kinds of cases. But I do believe that there are cases which are so gruesome, so horrendous that a death sentence is the only appropriate punishment. Those who oppose the death penalty should ask themselves, would they oppose it if their daughter or wife or sister was brutally raped as her three small children watched and then all were strangled to death, an actual case.

The media does a great job gaining sympathy for those who are about to be put to death. I wish they would do just as good a job describing the sickening details of the murders that have been
committing, even if almost shockingly, a prosecutor can get a rare, unusual jury to return a death sentence, the trial judge sits as the 13th juror and must later approve the verdict or grant a new trial or sometimes a lesser sentence. Following the trial judge, both State and federal appeals courts review the case. Usually at least 30 or 40 judges review a death sentence before it is carried out, and many of these judges are philosophically opposed to the death penalty. There seems to be a real drum beat in the media to do away with capital punishment.

I urge my colleagues and others to look very closely at this before they jump on this particular band wagon.

SHORTAGE OF TEACHERS IN AMERICA

Mr. DUNCAN. Secondly, Mr. Speaker, another important, but unrelated issue of national concern is the impending teacher shortage. This is a very artificial, political government-produced shortage. It has come about only because the teachers' unions and colleges of education want to drastically restrict and limit and control the number of people allowed to teach in the Nation's public schools.

If a person with a Ph.D. and 30 years of experience, say a chemist, wanted to teach after working for years for the Government, he cannot do so under the rules in most States today. If a small college went under and a professor with 25 years of teaching experience, let us say a professor of English, wanted to move to a public school, he could not do so in most States today. If a very successful businessman wanted to teach for a few years as a way to contribute back to society, he could not do so today, despite all of his great wealth and success and experience. Why? Because they would not have the required degrees to teach.

So school boards are restricted to hiring 22-year-olds with no experience because they have taken a few education courses over people with Ph.D.s and great experience and success and knowledge who have not had the education courses. This makes no sense at all at any time, but it is crazy in a time when there is or is about to be a teacher shortage. School boards should never hire an unqualified teacher, but they should be given the flexibility and freedom and power to hire people who have great knowledge or experience or success in a particular field, even if they have never taken an education course. If they could do this, there would be no teacher shortage in this country. There are hundreds of thousands of experienced, well-trained, well-educated people with degrees and even graduate degrees who have not taken education courses, but who would and would make great teachers, if only government regulations would give them the freedom and opportunity to do so.

HIV/AIDS, THE WORLD'S DEADLIEST DISEASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, today I rise to address what is a most challenging and life-threatening public health issue facing the global community, HIV infection and AIDS. I will also highlight significant actions our government and fellow Americans have taken to combat this world threat.

HIV/AIDS is now the world's deadliest disease with more than 40 million persons infected worldwide. Not surprisingly, the pandemic affects the most vulnerable citizens of our global community. In fact, nearly 95 percent of infected persons live in the developing countries, with sub-Saharan Africa being the hardest hit of any other region in the world.

The statistics are startling. New HIV infections in Africa have numbered more than 1 million each year since 1991. That is an average of more than 3,800 new HIV/AIDS infections per day. Nearly 1 in 40 adults in the world's most populous continent will die within this same time frame. Mr. Speaker, 23.3 million adults and children are infected with the HIV virus in the region, which has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

Life expectancy in these nations has been reduced by the disease to between 22 and 40 years. Some sub-Saharan African countries could lose as much as a third of their population by 2025 if they continue to lose adults and 16 African countries have an HIV infection rate of more than 10 percent.

South Africa is 20 percent, Zimbabwe and Swaziland are at 25 percent; and in Botswana, which has the highest infection rate in the region, 36 percent of adults are HIV infected.

When I hear these daunting statistics, I am reminded of a quote by John F. Kennedy. He said, “Mankind must ... put an end to war, or war will put an end to mankind.” HIV/AIDS and its ramifications affect the entire human community. In fact, nearly 95 percent of adults and children are infected with the deadly virus in the region, which has about 10 percent of the world's population, but nearly 70 percent of the worldwide total of infected people.

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the moment of the 10 years of good
times spent in developing the Ameri-
cans With Disabilities Act. I was on the
committee, as I still am, on the Com-
mittee on the Judiciary, when we had
the first hearing; and one of the prin-
cipal reasons that I was there, when,
Mr. Speaker, Attorney General, was,
Attorney General Dick Thornberg in the
Bush administration, speaking for the
Bush administration, endorsing the
Americans With Disabilities Act, and bring-
ing into play not only his personal and
professional endorsement of it for the
Bush administration, but also because
he himself as a father has undergone
problems in the family with people
with disabilities.

So we had a merging, during that
committee, of all of the elements that
are necessary to make the Americans
With Disabilities Act work, namely,
that the administration, whatever ad-
munition it is, always is behind it;
number two, that spokesmen for the
administration and in the Congress
will be developing programs with the
Americans With Disabilities Act; and,
third, to recognize that members of our
own families and neighbors and friends
are all subject to the benefits of the
Americans With Disabilities Act.

I thank the gentlewoman.

Mrs. MORELLA. Yes, Mr. Speaker, in
the decade since its enactment, the
ADA has changed the social fabric of
our Nation. It has brought the prin-
ciple of disability civil rights into the
mainstream of public policy. In fact,
the law, coupled with the disability
right movement, has fundamentally
changed the way Americans perceive
disability.

ADA placed disability discrimination
alongside race gender discrimination,
and exposed the common experiences of
prejudice and segregation, and provided a
cornerstone for the elimination of
disability discrimination in this
country.

The passage of ADA resulted from a
long struggle by Americans with dis-
abilities to bring an end to their infe-
rior status and unequal protection
under law. It is well documented the
severe social, vocational, economic,
and educational disadvantages of peo-
ple with disabilities.

Besides widespread discrimination
in employment, housing and public ac-
commodations, education, transpor-
tation, communication, recreation, I
could go on, institutionalization,
health services, voting, and access to
public services, people with disabilities
faced the additional burden of having
little or no legal recourse to redress
their exclusion.

Mr. Speaker, over the past decade,
ADA has become a symbol of the prom-
ise of human and civil rights. It has
brought with change and access to
remember a roll-out of the communica-
tions telecommunications
landscape of the United States. It has
created increased recognition and un-
derstanding of the manner in which the
physical and social environment can
doze discriminatory barriers to people
with disabilities.

I want to point out that we have been
making some strides. My Sub-
committee on Technology passed and
allows Congress significant assistive
technology which was included in the
budget. Just last week, a commission
on the advancement of women, minori-
ties, and persons with disabilities in
science, engineering, and technology
established under my legislation in the
last Congress of their recommendations.
We are hoping to pull together a public-private partnership
so that we can give more access and op-
opportunity to persons with disabilities,
ADA is not self-acting in ensuring its
promises are fully enforced.

The Federal Government commit-
tment to the full implementation of
ADA and its effective enforcement is
essential to fulfill the law’s promises.
Although this country has consistently
asserted its strong and equally into the
rights of people with disabilities, many
of the Federal agencies charged with
enforcement and policy development
under ADA, to varying degrees, have
been overly cautious, reactive and
lacking any coherent and unifying na-
tional strategy.

Mr. Speaker, for ADA to be effective,
this needs to be changed.

There is something ADA cannot
legislate, and that is attitude. There is
a saying with the disability community:
“Attitude is the real disability.” The
attitude toward employment of people
with disabilities has to change.

In closing, President Bush said it
best at the signing of the ADA. He said,
“This Act is powerful in its simplicity.
It will ensure that people with disabili-
ties are given the basic guarantees for
which they have worked so long and so
hard. Independence, freedom of choice,
control of their lives, the opportunity
to blend in fully and equally into the
right mosaic of the American main-
stream.” Let us remember that.

CONGRATULATIONS ON THE RE-
TIREMENT OF GENERAL JOHN
GORDON, USAF

THE SPEAKER pro tempore (Mr.
LATOURETTE). Under a previous order
of the House, the gentleman from Flor-
ida (Mr. Goss) is recognized for 5 min-
utes.

Mr. GOSS. Mr. Speaker, I rise today
to recognize an outstanding American
who has faithfully served our country
for the past 32 years, General John A.
Gordon.

General Gordon, who retired from
the Air Force earlier this month, was
awarded two commendations this
month in a ceremony at the George
Bush Center for Intelligence. George
Tenet, Director of Central Intelligence,
awarded him the National Intel-
ligence Distinguished Service Medal; and
General Michael Ryan, Air Force Chief
of Staff, awarded him the Air Force Dis-
tinguished Service Medal.

John Gordon’s Air Force career began
in 1968, and his early assign-
ments were in the highly scientific
areas of weapons research, develop-
ment and acquisition. He went on to
serve as a long-range planner at the
Strategic Air Command. He was then
assigned as a politico-military affairs
officer at the Department of State. He
returned to the real Air Force as com-
mander of the 90th Strategic Missile

General Gordon also served our coun-
try as a staff officer with the National
Security Council and in several senior
Department of Defense planning and
policy-making positions.

Joining the intelligence community
late in his career, General Gordon was
first appointed as associate director of
Central Intelligence for Military Sup-
port back in 1996. Following that as-
ignment, he was named Deputy Direc-
tor of Central Intelligence, the second-
highest ranking intelligence officer in
the United States, a position he held
with great distinction from October of
1997 through June of this year.

His tenure came at a time when the
intelligence community was rebuilding
in response to new threats to the
United States national security that
have emerged since the end of the Cold
War, things we know as transnational
threats, terrorism, weapons prolifera-
tion, weapons of mass destruction pro-
liferation, illegal arms sales, narcotics,
those types of things. As DDCI, General
Gordon worked closely with Congress
and the House Permanent Select Com-
mittee on Intelligence to improve U.S.
intelligence capability and to safe-
guard sensitive national security infor-
mation.

General Gordon brought a singular
sense of purpose to the Deputy Direc-
tor’s job that was highly valued by
those inside and outside the intel-
ligence community.

I would like to point out, despite the
fact that he does not have a back-
ground in intelligence, John Gordon
would have made a great case officer.
Last year he took time to sit down
with a group of high school students
from my district, some of the top stu-
dents in southwest Florida. After he
spoke to them, several were ready to
sign up for a career in the U.S. intel-
ligence community; and this comes in
an era where many gifted students are
leaving school early to earn a fortune
in a new digital economy. I think Gen-
eral Gordon has another career out
there as a recruiter for Intelligence if
he wants it.
Mr. METCALF. Mr. Speaker, the Makah Indian Tribe in Washington State has been granted special permission by the Clinton-Gore administration to kill four gray whales each year. They have already killed one whale and injured at least one. By the way, for every whale killed the coverage of two that are injured and get away.

But last year, I filed an appeal along with several co-plaintiffs to overturn the decision made by the U.S. District Court to allow whaling by the Makah Indian Tribe. Two months with the Russian government to allow back-door effort to find a way to grant the Makah’s the right to kill whales.

The agreement was to allow the Makah Tribe to kill four of the whales from the Russian quota each year under the artificial construction of cultural subsistence. Before this shameful back-door deal, the United States had led the opposition worldwide to any

PRESCRIPTION DRUG COVERAGE

I am asking my colleagues to make sure that we place prescription drug coverage for seniors under Medicare as a top priority for us before we leave session this year. Time is running out.

There are others who are talking about privatizing. There are others talking about other kinds of approaches. I would urge my colleagues to simply look at a system that the seniors of our country know and trust.

I am going to do everything in my power to fight on behalf of the seniors of Michigan, to make sure that we modernize Medicare for prescription drugs.

WHALE KILLING ENDS FOR MAKAH INDIAN TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.
whale killing not based on true subsis-
tence need. Cultural subsistence is a fra-
d. It is a slippery slope to disaster.

Cultural subsistence would have ex-
panded whale hunting to any nation
with an ocean coastline and any his-
tory of whale killing. The whale in-
terests in Norway and Japan, who still
occasionally pirate whales on the high
seas, were delighted with the U.S. po-

position. They have orchestrated and fi-
nanced an international cultural sub-
sistence movement. America’s histori-
cal role as a foe of renewed whaling
around the world would have been dras-
tically undercut.

It is shameful that the Clinton-Gore
administration supported a proposal
that flies in the face of the values, in-
terests of the majority of United States
citizens. It violates the law and the clearly stated U.S. policy
in opposition to whaling.

I support those Makah tribal elders
and others who oppose this hunt, and I
am deeply appreciative of the court
ruling and our success in stopping the
renewal of the barbaric practice of
whaling.

ENSURING A COMPETITIVE
AIRLINE INDUSTRY

The SPEAKER pro tempore (Mr.
LA TOURETTE). Under a previous order
of the House, the gentleman from Min-
nesota (Mr. OBERSTAR) is recognized for
5 minutes.

Mr. OBERSTAR. Mr. Speaker, I am
deeply troubled over the possibility of
mergers of major domestic airlines.
Many have predicted that if the pro-
posed merger of United Airlines and
US Airways is allowed to proceed, it
will be followed by mergers of other
major carriers, and soon we will have an
industry dominated by three mega-
carriers. This would be devastating to
consumers.

The father of deregulation, Alfred
Kahn, observed “Because of the United-
US Airways threatening to set off a se-
ries of imitative mergers that would
substantially increase the concentra-
tion of the domestic industry, there is
a possible jeopardy here to the many
billions of dollars that consumers have
been saving each year because of the
competition set off by deregulation.”

I am strongly opposed to the United-
US merger and other mergers that
likely will follow. I have asked the De-
partment of Justice and Transpor-
tation to use all available authority to
stop the mergers under the antitrust
laws, and many Members have indi-
cated they share those concerns.

At hearings held in several House
and Senate committees there was little
support for the United-US merger.
Members raised concerns about the im-
 pact of the merger on service to the areas
they represent as well as to the Na-
tion at large. As one Member in our
hearing in our Committee on Transpor-
tation and Infrastructure observed, “I
don’t think the consumer is the win-
ner for the consumer. As a matter of fact,
it might be a lose-lose look for the
consumer.” A number of Members ex-
pressed the sentiment that if Congress
were to vote on the proposed United-
US merger, if we do hope we do not ever have to come to a
point where this legislation must be
enacted and must take effect. I hope
that the Justice Department will dis-
approve the United-US merger and dis-
courage all other mergers that are
likely to follow this one. If not, and if
the domestic airspace and the world
airspace is reduced to three globe-
straddling mega-carriers, then we will
need this legislation in place to protect
competition and protect consumers.

Mr. Speaker. I want to go into a lit-
tle more detail about some of the prob-
lems my legislation seeks to address.

MONOPOLISTIC FARES

If the airline sector is reduced to three major
 carriers the remaining mega-carriers could
substantially reduce competition and raise
fares. The way airline competition works
today, when established carriers control mar-
tet terminals in which they can follow
each other’s fare changes so that the fares
are identical, and the passenger choice is
limited. These tendencies would be magnified if
there were only a few major airlines. There
would be enormous incentives for each carrier
to avoid competing with the others at their
strong hubs and routes. This strategy would
likely lead to the greatest mutual profitability,
while strong competition across the board
could prove suicidal. As the DOT aptly stated,
“
[e]conomic theory teaches that the competi-
tive outcome of a duopoly is indeterminate:
the result could be either intense rivalry or
comfortable accommodation, if not collusion,
between the duopolists.” Collusion to fix prices
is not new to the airline industry—in 1992 it
was caught red-handed in an elaborate price-
fixing scheme using computer reservations
software.

The impact of mergers on fares goes be-
yond the effects of having only three major
competitors. Each merger by itself eliminates
competition between the parties to the merger;
history shows that this reduction in competition
will lead to higher fares. The General Account-
ing Office, in a 1997 report, found that after
TWA bought Ozark, it raised roundtrip fares
13 to 18 percent on 67 routes serving St.
Louis. An October 1989 report by the Econo-
mic Analysis Group, a DOJ research arm,
noted that: “The merger of Northwest and Re-
public appears to have caused a significant in-
crease in fares [5.6 percent] and a significant
reduction in overall service on city pairs out of
Minneapolis-St. Paul.” That happened despite
the fact the number of cities served from Min-
neapolis-St. Paul increased after Northwest/
Republic merger.

My bill will give DOT authority to intervene
if carriers take advantage of the absence of
competition by raising fares above competitive
levels. The bill gives DOT authority to require
reductions in fares which it finds to be unreasonably high. The bill gives examples of situations in which a fare might be found to be unreasonably high: if the fare in a particular market is higher than the fare the carrier charges in other markets with similar characteristics, or if the fare in a market has increased beyond a reasonable increase. The bill provides that if DOT finds that a fare is excessively high it may order that the fare be reduced, specify the number of seats at which the reduced fare must be offered, and order rebates.

UNFAIR COMPETITIVE PRACTICES AGAINST LOW FARE CARRIERS

A second problem that my bill deals with is unfair competitive practices against new entrants. New entrants providing low fare service have been a critical element in airline competition under deregulation. In fact, history has shown that the public experiences real competition only when low carriers like Southwest Airlines enters a market. DOT called it the “Southwest effect.” Studies have shown that when Southwest begins service to a new city, other carriers lose business as more people start flying. DOT studies show that average fares in markets served by low-fare carriers were $70–$90 lower than average fares in other markets. On the other hand, fares were higher in markets not served by a low-fare carrier. This flooding of the market frequently means that average fares in other markets with similar characteristics, or in comparison to the lower fares offered other passengers. My bill would give the Secretary power to require reductions in fares that are unreasonably high, either in and of themselves, or by comparison to the lower fares offered other passengers. Mr. Speaker, I believe that we are at a critical point for the future of a competitive airline industry. The inescapable lesson of 22 years of deregulation is that mergers and a reduction in competition often lead to higher fares for the American traveling public. We cannot stand idly by and allow the benefits of deregulation to be derailed by a wave of mergers. If these mergers are approved, we will need a new legislative framework to give the Secretary of Transportation appropriate authority to combat anti-competitive practices by the new line-up of powerhouse mega-carriers, to preserve competition in the public interest, and maybe even the widest possible options at the lowest possible prices for air travel.

If the mergers proceed without the competitive protections I am proposing, then the ultimate irony of deregulation will be that we will have traded government control in the public interest, for private monopoly control in the interests of the industry.

Mr. Speaker, I submit for the RECORD herewith a section-by-section summary of my legislation:

AEROSPACE MANUFACTURE, RESEARCH, AND DEVELOPMENT

This section provides that the Act may be cited as the “Aerospace Manufacturing, Research, and Development Act of 2001.”

SECTION 2—OVERSIGHT OF AIR CARRIER PRICING

Subsection (a)(1) provides that the Act takes effect immediately upon a determination by the Secretary of the Department of Transportation that, as a result of consolidations or mergers between two or more of the top 7 air carriers, three or fewer of those air carriers control more than 70 percent of scheduled revenue passenger miles in interstate air transportation.

Subsection (a)(2) states that the Secretary shall, in determining the number of scheduled revenue passenger miles under subsection (a)(1), use data from the latest year for which complete data is filed. In addition, subsection (a)(3) provides that the Secretary in making the competitive-transportation-owning determination in subsection (a)(1) should attribute to the remaining air carriers those routes acquired from the air carrier with which it has merged or consolidated.

Subsections (b)(1) and (b)(2) give the Secretary the authority to investigate whether an air carrier is charging a fare or an average fare on a route that is unreasonably high. The factors in making this determination include whether the fare or average fare
in question: is higher than fares charged in similar markets; has been increased in ex-
cess of cost increases; and strikes a reason-
able relationship between fares charged to
passenger and sensitive groups to fares charged to passengers who are time sen-
tive. Under subsection (b)(3), if a fare is found to be
unreasonably high, the Secretary may order,
after providing the air carrier with an
opportunity for a hearing, that it be reduced,
that the reduced fare be offered for a speci-
fied number of seats and that rebates be of-
fered.

Subsection (c) provides that if a dominant
air carrier on an air route is offering inter-
regional transportation to or from a hub airport, responds to
low fare service by a new entrant by
(matching the low fare), and offering two or more
low fare seats as the new en-
trant, the dominant carrier must continue to
offer the low fare for two years, for at least
80 percent of the highest level of low fare
seats it offered.

Subsection (d)(1) authorizes the Secretary
to investigate whether a dominant carrier at
a hub airport is charging higher than aver-
aged fares at that airport. Subsection (d)(2)
provides that the Secretary may determine
that higher than average fares are being
charged by a carrier is offering fares that
are 5 percent or more above industry
average fares, in more than 20 percent of its
routes that begin or end in its hub market. If higher
fares are charged, the DOT may, after providing the
air carrier with an opportunity for a hearing,
take steps to facilitate added competition at the
hub, including measures relating to relations
between the dominant carrier’s gate, slots, and other
airport facilities, travel agent commissions, fre-
quent flyer programs and corporate dis-
count programs.

Subsection (e) defines the terms “domi-
nant air carrier,” “hub airport,” “interstate
air transportation,” “new entrant air carrier,”
and “new entrant air carrier.” “Dominant air carrier” is defined,
with respect to a hub airport, as an air car-
er that accounts for more than 30 percent of the total annual boardings in the
aircraft in the preceding 2-year period or a shorter
period as specified by the Secretary. A “hub airport” means an airport that each year has at
least 10 percent of the total annual boardings in the
United States. “Interstate air transportation” is defined as including
intrastate air transportation. A “new entrant air car-
rier,” with respect to a hub airport, is defined as an air carrier that
accounts for less than 5 percent in the pre-
ceding 2-year period or a shorter period as
specified by the Secretary.

EDMOND POPE HOME

The SPEAKER pro tempore. Under a
previous order of the House, the gen-
tleman from Pennsylvania (Mr. Per-
terson) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker,
Monday with a heavy heart. On my left is a picture of Ed-
mond and Cheri Pope, a lovely couple from State College, Pennsyl-
via. On March 14, Edmond left for Russia on a
routine trip, a business trip. It would have been a routine stop for
someone very involved in working with the Russians on business development,
helping them market their declassified technology, someone who was very
fond of the Russians and liked to help them. We were really in deals that were
beneficial to both our countries.

For 115 days Edmond Pope, from
April 3 on, has been in a Russian pris-
on. For 115 days Mrs. Pope has not had
a husband, except for 2 hours that she
spent with him several weeks ago. His
children have no father for 115 days. His
aging parents do not understand
why for 115 days they have not
heard from their son.

My colleagues, Edmond Pope was
placed in prison unfairly. He is not a
spy. He was charged with espionage.
That is not true. And what is dis-
turbing is for the first 11 weeks his
wife and family had no chance to commu-
nicate with him. He did not receive one
note from him, one phone call from
him, or able to get a note or a phone
call or letter to him. That is 77 days he
was absolutely separated from his fam-
ily. They had no idea of his health, no idea if he had a lawyer; a good lawyer.

On June 19, Mrs. Pope, Cheri, and two of
my staff, were leaving for Russia to
attempt to visit him. That afternoon
Cheri’s mother passed away unexpectedly
in San Diego, California. Mrs. Pope had
asked her mother if she could come to
her and spend a few moments. Then
she went to bury her mother or she went to
Russia to encourage her hus-
band. She made the decision to go to
Russia, and so she went. And several
days later she had the chance to spend
a few moments with Edmond. On
Tuesday, June 20, they met for the
first time in 3 months, just a few
feet from a watchful prosecutor in
Lefortovo prison. Edmond and Cheri
Pope hugged and belatedly wished each
other a Happy Anniversary. Then
Cheri Pope said, “The first thing he said
to me was, ‘Cheri, I didn’t do any-
thing wrong. I didn’t.’ And I said to
him, I never thought for a minute you
did.”

In an emotional interview on Tues-
day after that reunion, Cheri Pope said
her husband, whom the Russians had
accused of spying, was strikingly thin.
He had a rash; he had lost a lot of
weight; he had a pallor about him and
some skin problems. She said, “Even
though he didn’t look well, he still
looked handsome to me.”

While they were there, Cheri and my
staff were able to obtain a good lawyer
for him. He did not have a good lawyer,
and they had no way of knowing that.
And since that time we have been
working hard to obtain his release.

On June 26, we wrote President Putin
a letter, and I will share with my col-
teagues some of the things we shared
in that letter. If you value our
friendship, send Edmond Pope home.
President Putin, if you value the grow-
ing business relationships beneficial
to both of our countries, send Edmond
Pope home.” It said, “President Putin,
you value the many ways we aid you
financially, send Edmond Pope home.

“Edmond Pope is a man who was
there on sound financial business rea-
sons. He is not a spy. He needs to be
home with his family and with his
inlaws. And he needs to be home to
visit his father, who is seriously ill. He
needs to be home to have his own
health monitored, and he needs to be
home so that our relationship between
the Russian Federation and America
can grow and not be destroyed.”

We have not heard from that letter,
though we thought we would. Today, I
wrote another letter to President Putin
and it has been faxed to him. One
thing we said to him was that this case
has no merit. His new lawyer tells
us he has shredded the evidence com-
pletely. On August 5, just a few days,
his son, Dusty Pope, plans to marry a
young lady named Judi. It is only fit-
ing that Edmond Pope be home to
stand with his son and his future
daughter-in-law and wish them into
the world of matrimony.

I hope and believe that it is impor-
tant that we get this issue resolved and
that we get him home, because it is
vital that we build a relationship be-
tween these two countries. I have a
resolution that urges the President, with
109 signatures, and I could get many
more, to discontinue our assistance to
the Russian Federation, to approve no
more loans to the Russian Federation,
no more assistance to the Russian Fed-
eration, to approve no
more technical assistance. I do not
want to do that. I believe the fu-
ture of Russia depends much on a
friendship with this country. But it is
time to send Edmond Pope home so
that our relationship can grow to the
benefit of both our countries. I ask
President Putin to help us accomplish
this today.

CALLING ON RUSSIAN GOVERN-
MENT AND PRESIDENT PUTIN TO
FREE EDMOND POPE

Mr. WALDEN of Oregon. Mr. Speaker,
I rise this evening to reinforce the
comments of my colleague, the distin-
guished gentleman from Pennsylvania
(Mr. Peterson), and to call on the Rus-
sian government and President Putin
to free Mr. Ed Pope. Mr. Peterson said
that Ed Pope is an American businessman that they
have held without trial for months, and
I rise to assure Mr. And Mrs. Pope’s
family that the gentleman from Pennsyl-
vania (Mr. Peterson) and I are
done everything we can to secure his
release.

Mr. Speaker, the Russian govern-
ment’s continued incarceration of Mr.
Pope, an American citizen, is nothing
short of outrageous. Not only was his
arrest and subsequent imprisonment
counter to international law, but the
treatment he has received while in cus-
tody has been appalling.

Until recently, I am told, he has been
denied communications with his wife.
We heard they went for 70-plus days
without being able to exchange letters
or any communication. He has been de-
ied access to sufficient food and med-
care. Or no more technical assistance.
I do not want him to do that. I believe the fu-
ture of Russia depends much on a
friendship with this country. But it is
time to send Edmond Pope home so
that our relationship can grow to the
benefit of both our countries. I ask
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that our relationship can grow to the
benefit of both our countries. I ask
President Putin to help us accomplish
this today.
Indeed, Mr. Speaker, Mr. Pope's imprisonment is reminiscent of those ugly dark days of the old Soviet regime when men and women were taken from their homes in the dark of night, interrogated, and sometimes never seen again.

Mr. Speaker, as of yesterday, I was told that Mr. Pope still lacks basics as a blanket, a blanket his wife has been trying to send to him, a blanket that has been described and detailed about the gentleman. I have to get through the Russian bureaucracy and yet continued to be denied, a blanket.

A few weeks ago, I had the opportunity to meet with Mr. Pope's parents, Roy and Elizabeth Pope, who live in my district in Grant's Pass, Oregon. Mr. Speaker, both of them are elderly. Mr. Pope suffers from terminal cancer and dementia. They and I do not fully comprehend the diplomatic obstacles that keep their son away from his family.

Mr. Speaker, on May 9, I wrote to our own Secretary of State. On June 27, I wrote again. In neither case has this administration bothered to respond to the two inquiries I have sent directly to the Secretary of State.

Mr. Speaker, Ed's family knows that Ed is no criminal and that his imprisonment is unjust.

Mr. Speaker, we simply must do everything in our collective power to see to it that he is freed as soon as humanly possible.

Mr. Pope is no spy and he should be returned to his family. So I urge my colleagues on both sides of the aisle to join us in sending a strong message to President Putin and the Russian government that the American people are serious about this and will not forget their actions if Mr. Pope is not returned immediately.

In an era when the opportunity exists for better relations between our two nations, now is not the time to return to the mutual antagonism and suspicion that held the entire world hostage for a half a century of the Cold War.

TRIBUTE TO HONORABLE JIMMY MORRISON

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. VITTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. VITTER. Mr. Speaker, tonight I rise to pay tribute to a wonderful, honorable, courageous man who passed away last Thursday in his hometown of Hammond, Louisiana. James H. "Jimmy" Morrison represented his constituents well, fought for the underdog admirably, and served in this body with distinction.

I had the pleasure of serving with Jimmy Morrison, a principled populist and a passionate fighter on behalf of Louisiana and his Sixth District, which he served from 1942-1966. He was an advocate for working men and women who came to Congress, because of his legal campaign for strawberry farmers who fell prey to unfair price fixing. In Congress, he continued to fight to ensure that every individual was entitled to fairly treated in the workplace and given the opportunity to live the American dream. Always alert to the needs of his constituents, he brought back federal dollars home for schools, roads, and offices who served the district.

Mr. Speaker, I would like to note Jimmy Morrison's courage. Jimmy Morrison's support of the Civil Rights Act of 1964, undoubtedly cost him his seat. His opponent played the race card during a tense time in the South, throwing fuel on the fire of fear and hate, and beat Jimmy in doing so. But that did not matter; Jimmy Morrison knew he was on the side of righteousness, not political expediency. History should remember his courage.

I would ask my colleagues to join me in honoring James H. Morrison, a good, decent, courageous public servant who should be remembered both for his accomplishments and the example he set.

Those were the comments, as I said, Mr. Speaker, of the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I know the gentleman from Louisiana (Mr. BAKER) joins me in this special order, and he is here with us on the floor. I yield to the gentleman from Louisiana.

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

Mr. Speaker, as a recent high school graduate many, many years ago, I had the occasion to open my mail and there in the mailbox was a letter from my Congressman. I was so shocked to think that he first knew that I had graduated high school and that he would send me such a nice congratulatory note.

Many years later, I was at the dedication of a new building project in the congressional district and in the audience was Congressman Jimmy Morrison. And I reminded him of his kind act
of courtesy in sending me this con-
gratulatory letter in which he not only said “Congratulations on your fine aca-
demic achievement. But should you ever have occasion to come to Wash-
ington, I certainly want to invite you.

In that context, I extended my appre-
ciation for his offer of support, and accepted his kind invitation to come to Congress.

Congressman Jimmy Morrison was more than just a good political figure. He had exemplary courage. In fact, he was a leader in the civil rights fights of the 1950s. And many believe it was his belief and conviction in the action of civil rights that brought his long and distinguished congressional career to an end.

But it was also exemplary of the core of what Congressman Morrison’s strengths really were. He was a courageous person. Serving in office from 1943 to 1967, he was never afraid to take a stand whether controversial or not.

Many might say about many Louis-
iana politicians that at times they can be flamboyant. Certainly Congressman Morrison was no exception to that observation. But throughout it all, he was a leader. He is a leader who is known in the State for his accomplish-
ments and is held in esteem as a political legend. But he is known as a leader for the right reasons.

Mr. VITTER. Mr. Speaker, reclaim-
ing my time, we will all remember Congressmen Morrison very fondly, very proudly for this double role, not only to his part of Louisiana, to our home State, but to the Congress and to the country.

FUNDING FOR NATIONAL INSTITUTES OF HEALTH

The SPEAKER pro tempore. Under the Speaker’s announced policy of Jan-
uary 6, 1999, the gentleman from Penn-
sylvania (Mr. GEKAS) is recognized for 50 minutes.

Mr. GEKAS. Mr. Speaker, we rise here today to state and restate a goal that we had set several years ago to at-
tempt to and to succeed in doubling the funding for NIH, the National Instit-
tutes of Health, over a 5-year period. This was 3 years ago.

We began that by introducing a reso-
lution to that effect and gathering sponsorship. And lo and behold, the first 3 years have yielded the steady advance, this doubling of funding that we so earnestly felt was neces-
sary for the people of our country.

Today, as we stand here, the Con-
gress is poised to do the third leg of that doubling process down the road by engaging in a conference report be-
tween the House and the Senate in which the top figure, that contained in the Senate, $2.7 billion, or thereabout, would be exactly the amount required to keep us on the path towards the dou-
bbling of the funding.

We anticipate that Members of the House and the Senate will eventually support that final figure that will keep us on this track.

But why is this important? It is im-
portant not just for the sake of the money required to keep an enterprise moving, but the work of that enter-
prise will be to relieve pain, to relieve suffering, to prevent disease, to cure disease. Because that is what the busi-
ness is. We have over the last 10 years of tremendous breakthroughs and advances in Parkinson’s disease, in women’s breast cancer, in other types of cancer, in Alzheimer’s disease, in many of the things that plague us and for which there is sometimes said to be no cure. And that is true, but we do not know how soon we could reach a point where we might develop a cure.

But the point is that is the purpose of the increased funding for the NIH. Along the way, then, we in this Con-
gress submitted a similar resolution, H. Res. 437, which does the very same thing. $2.7 billion is our target. We are not short of that, and, as I said, the conference report will probably yield assent by the Congress to this third leg of the doubling effort about which we speak. We have ample docu-
mentation and evidence from other Members of the House, but as I said, this legislation is to reach out and, the increased funding for the NIH, just like the $2.7 billion, is for that purpose.

Mr. Speaker, I want to enter into the RECORD my own statement in this re-
gard, a copy of H. Res. 437, various Dear Colleague letters that speak on the subject, a list of cosponsors of the effort, and also letters of support, some dozen of them.

Whereas past Federal investment in bio-
medical research is responsible for better health, an improved quality of life for all Americans, and a reduction in national health care expenditures;

Whereas the NIH’s commitment to bio-
medical research has expanded the base of scientific knowledge about health and dis-
ease, and revolutionized the practice of medi-
cine;

Whereas the Federal Government is the single largest contributor to biomedical re-
search conducted in the United States;

Whereas biomedical research continues to play a vital role in the growth of this Na-
tion’s biotechnology, medical device, and pharmaceutical industries;

Whereas the development of many new drugs and medical devices currently in use is bio-
medical research supported by the National Instit-
tutes of Health;

Whereas women have traditionally been underrepresented in medical research proto-
cols, yet are severely affected by diseases in-
cluding breast cancer, which will kill over 42,500 women in 2000, ovarian cancer, which will kill 14,500, and osteoporosis and cardiovascular disorders;

Whereas research supported by the Na-
tional Institutes of Health is responsible for the identification of genetic mutations relat-
ing to nearly 100 diseases, including Alz-
heimer’s disease, cystic fibrosis, Hunting-
ton’s disease, osteoporosis, many forms of cancer, and immunodeficiency disorders;

Whereas many Americans face serious and life-threatening health problems, both acute and chronic;

Whereas neurodegenerative diseases of the elderly, such as Alzheimer’s and Parkinson’s disease, threaten to destroy millions of Americans, overwhelm the Nation’s health care system, and bankrupt the Medi-
care and Medicaid programs;

Whereas 2.7 million Americans are current-
ly infected with HIV, an insidious liver condition that can lead to in-
flammation, cirrhosis, and cancer as well as liver failure;

Whereas 297,000 Americans are now suf-
fering from AIDS, and hundreds of thousands more are infected with HIV;

Whereas cancer remains a comprehensive threat to any tissue or organ of the body at any age, and remains a top cause of mor-
bidity and mortality;

Whereas the extent of psychiatric and neu-
rological diseases poses considerable chal-
lenges in understanding the workings of the brain and nervous system;

Whereas recent advances in the treat-
ment of HIV illustrate the promise research holds for even more effective, accessible, and afford-
able treatments for persons with HIV;

Whereas infants and children are the hope of our future, yet they continue to be the most vulnerable and underserved members of our society;

Whereas approximately one out of every six American men will develop prostate can-
cer, and over 40,000 men will die from pro-
tate cancer each year;

Whereas juvenile diabetes and diabetes, both insulin and non-insulin forms, afflict 16 million Americans and the disease is a constant threat to viability and quality of life.

Whereas the research sponsored by the Na-
tional Institutes of Health will map and se-
quence the human genome by 2003, leading to a new era of molecular medicine that will provide unprecedented opportuni-
ties for the prevention, diagnosis, treat-
ment, and cure of diseases that currently plague society;

Whereas the fundamental way science is con-
ducted is changing at a revolutionary pace, demanding a far greater investment in emerging new technologies, research train-
ing programs, and development of new skills and scientific advances;

Whereas our sources of biomedical knowledge are woefully insufficient to provide the advan-
tage needed to address the unprecedented challenges facing the United States and the world;

Whereas most Americans overwhelmingly support an increased Federal investment in biomed-
ical research: Now, therefore, be it

Resolved, SECTION 1. SHORT TITLE.

This resolution may be cited as the “Bio-
medical Revitalization Resolution of 2000”.

SEC. 2. SENSE OF THE HOUSE OF REPRESENTA-
TIVES.

It is the sense of the House of Representa-
tives that funding for the National Institutes of Health should be increased by $2,700,000,000 in fiscal year 2001 and that the budget reso-
lution should appropriately reflect sufficient funds to achieve this objective.
July 26, 2000
Washington, DC

Dear Colleague:

We are writing to invite you to join us in becoming a cosponsor of the "Biomedical Research Revitalization Resolution of 2000," a bipartisan resolution that takes the third step toward doubling the National Institutes of Health (NIH) budget in five years. This Resolution expresses the sense of the House of Representatives that the NIH budget should be increased by $2.7 billion in Fiscal Year 2001. The Resolution states that we can accomplish this by translating the promise of scientific advances into funds to continue and expand on the research that NIH supported in FY 1999, and by using any surpluses, budget offsets, and the regular appropriations process. The Resolution does not reflect these potential funding opportunities to make this goal a reality. NIH funding has doubled over the past ten years, but with scientific discoveries occurring at a revolutionary pace, this investment must be accelerated now! The outstanding performance of the American economy is providing budget surpluses at just the time when NIH needs this money the most. By 2005, the NIH will complete the mapping and sequencing of the human genome. This will usher in a new era of molecular medicine with unprecedented research potential to prevent, diagnose, treat, and cure diseases that currently plague our society.

These future breakthroughs, however, depend upon Congress appropriating sufficient funds to continue and expand on the research currently being conducted. We are seeking funding that will ensure the realization of major biomedical breakthroughs in the near future. We must demonstrate our commitment to improving the health and well-being of all Americans by increasing funding for NIH and keep medical advancements on the fast track to discovery.

NIH research has spawned the biotechnology revolution, whose products grew into a $50 billion industry in 1999. NIH supports over 50,000 scientists at 1,700 universities and research institutes across the United States. The biotechnology industry— a direct beneficiary of the biomedical research funded by the NIH—employs 118,000 people in over 12,000 biotechnology companies across the country. The biotechnology revolution promises advances in other industries that have applied the discoveries to their own fields. In agriculture, biotechnology is producing greater crop yields while reducing the dependence on traditional chemical pesticides. Biotechnology research, while conducted by the public sector, has had substantial impacts on the economy and the well-being of all Americans by increasing funding for NIH and keep medical advancements on the fast track to discovery.

Whether affecting our family, friends, neighbors, and colleagues, we have all seen the heartbreaking impact of cancer, stroke, diabetes, AIDS, and other diseases that cause chronic disability and shortened lives. We can do something about these diseases by making the investment to double NIH funding in five years. Last year a similar proposal to double the NIH budget in five years received the bipartisan support of over sixty-five members of the House of Representatives from both sides, without any additional effort when we added $2.3 billion to the NIH Fiscal Year 2000 budget. Please contact Matt Zonarch in Representative Gekas' office at 5-4315 or Senator George W. Gekas at 437-SO at for further information.

Very truly yours,

George W. Gekas, Nancy Pelosi, Ken Bensten, Sonny Callahan, Constantine Morella, Members of Congress.

H. RES. 487 COSPONSORS
Rep. Balducc, J ohn Elias
Rep. Bentsen, Lloyd D.
Rep. Blagojevich, Rod R.
Rep. Borski, Robert A.
Rep. Brady, Robin E.
Rep. Calvalli, Anthony
Rep. Capuano, Michael E.
Rep. Castle, Michael N.
Rep. Cummings, Eandy (Duke)
Rep. DeFazio, Peter A.
Rep. DeGette, Diana
Rep. Fowler, Tillie
Rep. Frank, Barney
Rep. Gejdenson, Sam
Rep. Gilchrest, Wayne T.
Rep. Gonzalez, Charles A.
Rep. Greenwood, James C.
Rep. King, Peter T.
Rep. LaFalfa, J ohn J.
Rep. Lantos, Tom
Rep. McGovern, James P.
Rep. McNulty, Michael R.
Rep. Moakley, J ohn J oseph
Rep. Morella, Constance A.
Rep. Pelosi, Nancy
Rep. Porter, J ohn Edward
Rep. Price, David E.
Rep. Rivers, Lynn N.
Rep. Schakowsky, J anice D.
Rep. Slaughter, Louise McIntosh
Rep. Stearns, Cliff
Rep. Wolf, Frank R.

Joint Steering Committee for Public Policy, Bethesda, M.D., July 18, 2000.

Hon. George Gekas, House of Representatives, Washington, D.C.

Dear Representative Gekas:

On behalf of the Joint Steering Committee for Public Policy, representing 25,000 basic biomedical researchers, we applaud your leadership in supporting a continuation of the second step toward that goal.

As you well know, our country leads the world in biological science, enabled by a far-sighted national policy of federal funding for research at our Nation's colleges and universities through the NIH and other agencies. The NIH is the major source of funds for critical basic research in laboratories throughout the U.S., and its ability to effectively utilize the surplus for this year's appropriation. We recognize the difficulty Congress faces in achieving this goal, but we are confident that through your leadership and that of Congressmen Porter, this goal will be achieved and health research will be accelerated by this visionary investment.

Your continued efforts to educate the Congress through the Congressional Biomedical Research Caucus about the National Institute of Health and its ability to effectively utilize any budget offsets, budget surpluses, and the regular appropriations process to double the NIH budget from 1999-2003. We also salut your introduction of H. Res. 437, which calls for the same.

Your continued efforts will enable the important search for the key that can unlock the secrets of biotechnology and pharmaceutical industries. This increase, together with the momentum from other recent investments, should enable the biomedical sciences to capitalize on expanding knowledge of disease processes and their underlying genetic basis in order to develop new therapies.

The American Heart Association strongly supports your hard work in making health care expenditures and stimulation of biotechnology and pharmaceutical industries. This increase, together with the momentum from other recent investments, should enable the biomedical sciences to capitalize on expanding knowledge of disease processes and their underlying genetic basis in order to develop new therapies.

The American Heart Association applauds your continued initiative and leadership in the bi-cameral, bipartisan effort to double funding for the National Institutes of Health by FY 2003. The historically large funding increase received by the NIH for FY 2000 represented the second step toward that goal.

Your ongoing efforts and those of the 33 co-sponsors of H. Res. 437 expressing the sense of the House that the federal investment in biomedical research should be increased by $2.7 billion in FY 2001, are vital in securing the third installment to double funding for the NIH. The American Heart Association strongly supports your hard work in making health care expenditures and stimulation of biotechnology and pharmaceutical industries. This increase, together with the momentum from other recent investments, should enable the biomedical sciences to capitalize on expanding knowledge of disease processes and their underlying genetic basis in order to develop new therapies.

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percent of Americans say increased federal funding for heart research is very important and 66 percent say increased federal funding for stroke research is very important. The heart disease—America's No. 1 killer—and stroke—America's No. 3 killer—requires innovative research and prevention programs. However, these programs to help advance the battle against heart disease and stroke are contingent on a significant increase in funding for the NIH. Now is the time to capitalize on progress and pursue promising opportunities that could lead to novel approaches to diagnose, treat, prevent or cure heart disease and stroke.

The American Association commends you for your outstanding leadership and steadfast commitment to double funding for the NIH by FY 2003. Thank you.

Sincerely,
LYNN SMAHA, M.D., Ph.D.,
President,
JEFFERSON MEDICAL COLLEGE,

Representative GEORGE G. GEKAS,
U.S. House of Representatives, Room 2410, Rayburn HOB, Washington, DC.

DEAR REPRESENTATIVE GEKAS: I write to urge you to support the 15%, $2.7 billion increase in the Fiscal Year 2001 Labor, Health and Human Services and Education Appropriations bill for the National Institutes of Health. I also call for your support of a 17% increase for the National Science Foundation in the Fiscal Year 2001 VA-HUD and Independent Agencies Appropriations bill.

These increases are essential for biomedical research to capitalize on the many opportunities that we now have to benefit the health of the Nation. Strong NIH and NSF funding is also essential for the scientific discoveries that fuel the burgeoning biotechnology industry in the United States.

My own work on steroid receptors and cell death, especially in cells that invade the airway during asthmatic attack, is supported by the National Institutes of Health.

Thank you for your consideration.

Yours sincerely,
GERALD LITWACK, Ph.D.,
Chairman, Department of Biochemistry and Molecular Pharmacology.

Hon. GEORGE GEKAS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: I would like to ask for your continuing support of a 15% increase in the National Institutes of Health (NIH) budget and 17% increase in the National Science Foundation budget for FY 2000. As you are well aware, the tremendous investments that the citizens of the United States have made in biomedical research over the past several decades are beginning to pay off. We are just at the brink of tremendous benefits that will include dramatic new cures for diseases and a thriving industry for creating new jobs for our citizens.

I know you have been a strong supporter of these research budgets in the past. I thank you for that support.

Sincerely yours,
DARWIN J. PROCKOP, M.D., Ph.D.,
Director,

Hon. GEORGE W. GEKAS,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GEKAS: As we enter the 21st century, we have an unprecedented opportunity to take the bold steps required to end the human and economic devastation caused by cancer. As you consider and deliberate the 2001 budget, consider that cancer will kill more than half million of our citizens this year, more Americans than were lost in the entire war in the 19th Century. More than 1.2 million Americans will receive a diagnosis of cancer in 2000. However, as horrible as these statistics are, they reflect the growing incidence and mortality will increase significantly in the next 10-20 years due primarily to the aging and changing demographics of America. Cancer death will continue to be least affording the minority and medically underserved and aged populations. Addressing the current and future cancer epidemic must be one of America’s highest health care priorities. If we act now with a sense of urgency to provide the resources and continuity needed to cure and prevent cancer, we can and will prevail.

On behalf of the more than 15,500 basic, translational, clinical researchers and other research professionals who are the members of American Association of Cancer Research (AACR), we appreciate your steadfast support for increasing our commitment to the conquest of cancer. We recognize that as a member of the House of Representatives you face a range of priorities and deserving requests for increased funds for many of this Nation's healthcare needs. However, this year we ask that you carefully reflect on the very real possibility that we can no longer afford cancer. Our prior investments in cancer research are paying off in advances in basic research that we could have only dreamed of 10 years ago. There are now unimagined opportunities to prevent and cure cancer through the transfer of these discoveries into new prevention and treatment technologies. We can accelerate the realization of these breakthroughs, clinical trials, training, cancer centers, improving quality of life for cancer patients, and allow the NCI to pursue several extraordinary research opportunities in cancer imaging, new cancer therapeutics, chemoprevention and tobacco control and tobacco related cancers.

We also urge you to ensure that the National Institutes of Health receives a 15% increase in funding to continue the current plan of doubling the NIH budget in five years. Last year, Congress appropriated $14.3 billion, which is well below the level required to support major initiatives made possible by NIH-supported research and development.

The AACR looks forward to working with you in the future as we take the steps necessary to prevent and cure cancer.

Sincerely yours,
DAVID B. MOORE,
Executive Director.
THE AD HOC GROUP FOR MEDICAL RESEARCH FUNDING
ORGANIZATIONS ENDORSING THE FY 2001 PROPOSAL AS OF MAY 24, 2000
Academy of Clinical Laboratory Physicians and Scientists.
Academy of Osseointegration.
Allergy and Immunology.
American Academy of Allergy, Asthma and Immunology.
American Academy of Dental Research.
American Academy of Pediatrics.
Alliance for Aging Research. Alzheimer’s Association.
American Academy of Ophthalmology.
American Academy of Otolaryngology—Head and Neck Surgery.
American Academy of Physical Medicine & Rehabilitation.
American Association of Cancer Research.
American Association of Colleges of Nursing.
American Association of Colleges of Osteopathic Medicine.
American Association of Colleges of Pharmacy.
American Association of Dental Schools.
American Association of Immunologists.
American Association of Pharmaceutical Scientists.
Congressional Record — House

Why Double the NIH Budget?

Based on the potential of current scientific opportunities and the successes of the past, we can confidently predict that an investment of a doubling over five years will be easily repaid in discoveries that will benefit the U.S. public and mankind.

The Human Genome Project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer’s disease, or severe depression.

Our ultimate goal will be to find ways to prevent the development or progression of these diseases and design ways to intervene to prevent the development of these horrific diseases.

Cancer therapy will change; physicians will be able to customize cancer treatment by knowing the molecular fingerprint of a patient’s tumor.

The genetic “fingerprint” of a person’s cancer cells will be used to create a drug that will attack only the cancer cells—and render targeted treatment which is more effective and safe.

We will have effective vaccines for infectious diseases such as AIDS, tuberculosis, and malaria.

New science on the brain will lead to treatments for alcoholism, drug abuse, and mental illness.

How Can Increased Funding Be Used to Help Make More Progress?

Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. The speed of discovery can be accelerated by devoting greater resources to the NIH and NSF budgets.

The explosion of new knowledge from explorations of the human genome and the biology of the cell is providing new opportunities to further understand disease, and new innovative ways of treating, diagnosing, and preventing illness.

Drug development capacity remains available in this great research enterprise. The great resources provided the Congress in FY 1999 and FY 2000 have facilitated the nation’s research system to more fully use its potential capacity to respond more quickly to new ways to cure disease.

The more new ideas explored and the more research undertaken, the sooner the effort, the sooner these findings will be translated into the real life medical benefits and medical practice.

Economic Costs of Major Illnesses

<table>
<thead>
<tr>
<th>Illness</th>
<th>Year</th>
<th>Direct costs</th>
<th>Indirect costs</th>
<th>Total costs</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injury</td>
<td>1995</td>
<td>$893,928,000</td>
<td>$248,067,000</td>
<td>$337,995,000</td>
<td>74</td>
</tr>
</tbody>
</table>

American Association of Plastic Surgeons
American Chemical Society
American College of Clinical Pharmacology
American College of Preventive Medicine
American College of Radiology
American College of Surgeons
American Federal for Medical Research
American Foundation for AIDS Research
American Gastroneterology Association
American Heart Association
American Lung Association
American Nephrology Nurses’ Association
American Optometric Association
American Osteopathic Association
American Pediatric Society
American Podiatric Medical Association
American Preventive Medical Association
American Psychiatric Association
American Psychiatric Nurses Association
American Psychological Association
American Psychological Society
American Society for Biochemistry and Molecular Biology
American Society for Bone and Mineral Research
American Society for Cell Biology
American Society for Clinical Nutrition
American Society for Clinical Oncology
American Society for Clinical Pharmacology and Therapeutics
American Society for Investigative Pathology
American Society for Microbiology
American Society for Nutritional Sciences
American Society for Pharmacology and Experimental Therapeutics
American Society for Reproductive Medicine
American Society of Addiction Medicine
American Society of Hematology
American Society of Human Genetics
American Society of Nephrology
American Society of Pediatric Nephrology
American Society of Tropical Medicine and Hygiene
American Thoracic Society
Americans for Medical Progress
American Urogynecologic Society
American Urological Association
American Veterinary Medical Association
Arthritis Foundation
Association for Research in Vision and Ophthalmology
Association of Academic Health Centers
Association of Academic Health Sciences Libraries
Association of American Cancer Institutes
Association of American Colleges
Association of American Universities
Association of American Veterinary Colleges
Association of Departments of Family Medicine
Association of Independent Research Institutes
Association of Medical and Graduate Departments of Biochemistry
Association of Medical School Microbiology and Immunology Chairs
Association of Medical School Pediatric Department Chairs
Association of Minority Health Professions Schools
Association of Pathology Chairs
Association of Pediatric Oncology Nurses
Association of Professors of Dermatology
Association of Professors of Medicine
Association of Schools and Colleges of Optometry
Association of Schools of Public Health
Association of Subspecialty Professors
Association of Teachers of Preventive Medicine
Association of University Professors of Ophthalmology
Association of University Radiologists
Boys Town National Research Hospital
Campaign for Medical Research
Cancer Research Foundation of America
Candlelighters Childhood Cancer Foundation
Citizens for Public Action
Coalition for American Trauma Care
Coalition for Heritable Disorders of Connective Tissue
Coalition of the National Cancer Cooperative Group Organizations
College on Problems of Drug Dependence
Columbia University College of Physicians and Surgeons
Consortium of Social Science Associations
Cooley’s Anemia Foundation
Corporation for the Advancement of Psychiatry
Crohn’s and Colitis Foundation of America
Cystic Fibrosis Foundation
Digestive Disease National Coalition
Dystonia Medical Research Foundation
Emory University
EUA, Inc.
Eye Bank Association of America
FDA-NIH Council
Federal Government
Federation of American Societies for Experimental Biology
Federation of Behavioral, Psychological and Cognitive Sciences
Fred Hutchinson Cancer Research Center
Friends of the National Institute of Dental and Craniofacial Research
Friends of the National Library of Medicine
Genetics Society of America
The Genome Action Coalition
Immune Deficiency Foundation
International Myeloma Foundation
Jeffrey Model Foundation
Joint Council of Allergy, Asthma and Immunology
Johns Hopkins University
Johns Hopkins University School of Medicine
Juvenile Diabetes Foundation International
Krasnow Institute for Advanced Study
Massachusetts Institute of Technology
Medical Device Manufacturers Association
Medical Library Association
MedStar Research Institute
Mount Sinai School of Medicine
National Alliance for the Mentally Ill
National Alliance for Eye and Vision Research
National Association for Biomedical Research
National Association of State University and Land-Grant Colleges
National Caucus of Basic Biomedical Science Chairs
National Childhood Cancer Foundation
National Coalition for Cancer Research
National Committee to Preserve Social Security and Medicare
National Foundation for Ectodermal Dysplasias
National Health Council
National Hemophilia Foundation
National Marfan Foundation
National Organization for Rare Disorders
National Osteoporosis Foundation
National Perinatal Association
National Vitiligo Foundation
New York State Cancer Programs Association, Inc.
New York University School of Medicine
North American Society of Pacing and Electrophysiology
Ocular Microbiology and Immunology Group
Oncology Nursing Society
Oregon Health Sciences University
Osteoporosis and Related Bone Disorders Coalition
Pfizer
The Protein Society

PXE International, Inc.
Radiation Research Society
Research America
Research Society on Alcoholism
Research to Prevent Blindness
Resolve, The National Infertility Association
Society for Academic Emergency Medicine
Society for Investigative Dermatology
Society for Maternal-Fetal Medicine
Society for Neuroscience
Society for Pediatric Research
Society for Women’s Health Research
Society of Academic Anesthesiology Chairs
Society of Gynecologic Oncologists
Society of Toxicology
Sudden Infant Death Syndrome Alliance
Tourette Syndrome Association, Inc.
University of Utah Health Sciences
University of Washington
Wake Forest University School of Medicine

July 26, 2000

Congressional Record — House
<table>
<thead>
<tr>
<th>Illness</th>
<th>Year</th>
<th>Direct costs</th>
<th>Indirect costs</th>
<th>Total costs</th>
<th>Ratio 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heart diseases</td>
<td>1999</td>
<td>132.8</td>
<td>183.1</td>
<td>315.9</td>
<td>0.51</td>
</tr>
<tr>
<td>Disability</td>
<td>1998</td>
<td>82.1</td>
<td>169.4</td>
<td>251.5</td>
<td>0.67</td>
</tr>
<tr>
<td>Mental disorders</td>
<td>1997</td>
<td>66.8</td>
<td>160.8</td>
<td>227.6</td>
<td>0.71</td>
</tr>
<tr>
<td>Cancer</td>
<td>1996</td>
<td>60.7</td>
<td>160.1</td>
<td>220.8</td>
<td>0.73</td>
</tr>
<tr>
<td>Alzheimer’s disease</td>
<td>1995</td>
<td>43.4</td>
<td>160.7</td>
<td>204.1</td>
<td>0.65</td>
</tr>
<tr>
<td>Diabetes</td>
<td>1994</td>
<td>41.4</td>
<td>162.8</td>
<td>204.2</td>
<td>0.65</td>
</tr>
<tr>
<td>Chronic pain condition</td>
<td>1993</td>
<td>34.9</td>
<td>170.0</td>
<td>204.9</td>
<td>0.65</td>
</tr>
<tr>
<td>Arthritis</td>
<td>1992</td>
<td>32.7</td>
<td>165.4</td>
<td>198.1</td>
<td>0.65</td>
</tr>
<tr>
<td>Digestive diseases</td>
<td>1991</td>
<td>31.3</td>
<td>163.4</td>
<td>194.7</td>
<td>0.65</td>
</tr>
<tr>
<td>Skin</td>
<td>1990</td>
<td>22.6</td>
<td>170.1</td>
<td>192.7</td>
<td>0.65</td>
</tr>
<tr>
<td>Kidney and urological diseases</td>
<td>1989</td>
<td>26.2</td>
<td>164.1</td>
<td>190.3</td>
<td>0.65</td>
</tr>
<tr>
<td>Eye diseases</td>
<td>1988</td>
<td>16.1</td>
<td>165.3</td>
<td>181.4</td>
<td>0.65</td>
</tr>
<tr>
<td>Pulmonary diseases</td>
<td>1987</td>
<td>21.6</td>
<td>162.7</td>
<td>184.3</td>
<td>0.65</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>1986</td>
<td>13.4</td>
<td>164.6</td>
<td>178.0</td>
<td>0.65</td>
</tr>
<tr>
<td>Other (10 further illnesses)</td>
<td>1985</td>
<td>7.7</td>
<td>151.3</td>
<td>159.0</td>
<td>0.65</td>
</tr>
<tr>
<td>Total: 25 illnesses</td>
<td></td>
<td>707.1</td>
<td>2175.3</td>
<td>2882.4</td>
<td>0.65</td>
</tr>
</tbody>
</table>

1 Ratio of indirect total costs (percent).
2 Various.

**THE PROMISE OF NIH RESEARCH FOR HEALTH**

Identify genetic predispositions and risk factors for heart attack and stroke.

New approaches to treating and preventing diabetes and its complications.

Genomic sequencing of disease-causing organisms to identify new targets for drug development.

Earlier detection of cancer with new molecular technologies.

New ways to relieve pain.

New diagnostic imaging for brain tumors, cancer, chronic illnesses.

Assess drugs for their safety and efficacy in children.

Medications for the treatment of alcoholism and drug addiction.

Rigorous evaluation of CAM practices (complementary and alternative medicine).

Diagnosis and treatment of tuberculosis.

New ways to repair/replace organs, tissues, and cells damaged by disease and trauma.

Understand and ameliorate health disparities.

Improved interventions for lead poisoning in children.

New interventions for neonatal hearing loss.

Safer, more effective medications for depression and other mental illnesses.

New approaches to preventing rejection of transplanted organs, tissues, cells.

New treatment, and preventive strategies for STDs (sexually transmitted diseases).

New means to arresting function after spinal cord injury.

New effective vaccines for infectious disease such as AIDS, tuberculosis, and malaria.

**WHO WAS THE FIRST TO CALL FOR DOUBLING OF THE NIH AND NSF BUDGETS FOR BASIC RESEARCH?**

In 1993, the magazine Science published a call for action by two Nobel Prize laureates, and other science leaders Drs. Michael Bishop, Harold Varmus and Mark Kirschner, who pleaded that their Government and their Congress double the amounts of federal funding for the basic research being undertaken by the National Institutes of Health over a period of five years. This was not the enter prise of some creative lobbyists, but rather born from the thoughtful, rational and scientific deliberations of some of the foremost minds in science. When Members of this great Chamber consider their votes for the consistent and substantial increases in fund ing of biomedical and health research, they can rely with great confidence on the fact that these scientists placed their trust and confidence on their nature in making the recommendation that this Government and this Congress continue to expand their investment of federal dollars in the basic research.

**RECOMMENDATIONS**

These great scientists stated and I quote in part, “If the United States is to realize the promise of science for our society, the new Administration should take action on several fronts:

- Develop an economic strategy for optimizing investment in biomedical research, which would take into account the new opportunities that have been made available by the recent revolution in biology, the potential for reducing health-care costs, and the benefits to agriculture and industry. Until a full evaluation has been completed, Drs. Bishop, Varmus, and Kirschner recommended increasing the NIH budget by 15% per year, which would cost a billion dollars in current dollars by 1998. This increase would provide funds for approximately 30% of approved grants, thereby retaining healthy competition and expanding the major areas of scientifi opportunity.

- Generate a comprehensive plan for the best use of federal dollars for biomedical research. Institute a mechanism for the periodic evaluation of peer-review procedures, utilizing scientists from inside and outside the government.

- Facilitate the application of fundamental discoveries by encouraging technology research in the private sector.

- Ensure that new departures by the NIH and NSF in education and technology do not diminish the support of basic research.

- Strengthen the position of the presidential advisor on science and technology.

- Create a program for long-term investment in research laboratories and equipment.

- Increase federal attention to science education.

These were the recommendations of America’s best and brightest scientists in 1993 and we should work to fulfill and implement these excellent recommendations.

**SCIENCE AND THE NEW ADMINISTRATION**

With the new presidential Administration now in office, the scientific community is hopeful that measures will be taken to enhance research and the contributions it can make to our society. What little was said of research during the presidential campaign concerned technological improvement and economic productivity. An awaited focus probably arose from the necessities of electoral politics. Now it is important to broaden the discussion to include aspects of the scientific enterprise that are essential for its long-term viability.

The opportunities for progress through science are greater than ever. However, the last decade has seen accelerating erosion of the infrastructure for fundamental research in the United States. If that erosion is not reversed soon the pace of discovery will slow, and widespread negative consequences for industry, health care, and education.

In hopes that President Clinton and Vice President Gore will soon address the prospects for basic science in the United States, we offer our view of how fundamental re search benefits our nation and what should be done to secure those benefits for the future. We speak here for biomedical research, our area of expertise, but believe that our re search and its infrastructure and opportunities found throughout science.

**THE PROMISE OF BIOMEDICAL RESEARCH**

Recent progress in biomedical research has brought an understanding of molecules, cells, and organisms far beyond anything anticipated a generation ago. The benefits of this progress include the makings of a revolution in preventive medicine, novel approaches to the diagnosis and treatment of heart attack and stroke, the development of new drugs for targeted diseases, and other ailments; the prospect of improving agricultural productivity in ways never imagined by the Green Revolution; new tools for environmental protection; and a renewed impetus to stimulate and inform public interest in science.

The economic benefits of these gains are substantial. Consider two examples: First, it is often argued that advances in research increase the costs of health care. However, biomedical research typically generates simpler and less costly diagnostic and treatment devices that save the United States billions of dollars annually; new tests for viruses have helped cleanse our blood supply, greatly reducing the economic cost of diseases that are spread by transfusion; and growth factors for blood cells are cutting the costs of caring for patients who receive bone marrow or organ transplants in the treatment of blood disorders.

Second, fundamental research spawned the biotechnology industry, of which our nation is the undisputed leader. This industry is a great contributor to our economy, a source of diverse and gratifying employment, a stimulus to allied industries, a provider of new tools for environmental protection; and a vital part of our nation’s defense and space programs.

**CHALLENGES TO BIOMEDICAL RESEARCH**

Despite the progress, preeminence, and promise of American biomedical research, the enterprise is threatened by inadequate funding of research and its infrastructure; flawed governmental science policy, confusion about the goals of federally supported research, and deficiencies in science education.

The productivity of biomedical research is limited most immediately by financial resources. In 1992 the nation spent about $10 billion on biomedical research, mostly by professional associations and the National Institutes of Health (NIH). This investment is too small by several measures: (i) The United States currently devotes between $600 and $800 billion annually to health care, yet less than 2% is reinvested in the study of disease. In contrast, the defense industry spends about 15% of its budget on research. (ii) U.S. expenditures on R&D as a percentage of the gross national product have been declining steadily and are now lower than those of Japan and Germany. Moreover, 60% of our R&D dollars is designated for defense. (iii) The funding of approved NIH grant applications has fallen below 15% in some categories and under 25% in many, compared with rates of 30% or more in the preceding two decades when progress was so rapid. Under these conditions, outstanding proposals cannot be pursued, first-rate investigators have become discouraged from pursuing a career in science. (iv) Outstanding institutions lack funds for laboratories and replacement of equipment.
Biomedical research is also impeded by outmoded procedures for the federal administration of science. Agencies that should be working together to promote research in the life sciences remain separate and competing departments. NIH has suffered from a chain of command that requires approval from secretaries and undersecretaries with no clear interest in science. Some sources of funding for research in the life sciences lack appropriate mechanisms or expertise for initiating, judging, and administrating research. Others demand that they adapt their mechanisms appropriately to the progress that has been made in research. For example, the NIH budget, which traditionally the pride of the peer-review system, are now organized according to outmoded or otherwise inappropriate categories. Government agencies that learned how to involve the scientific community adequately in administrative decisions to initiate targeted projects. To cope with a decaying infrastructure, Congress has occasionally appropriated substantial funds for construction, but they have done so in a way that circumvents peer review and serves local needs rather than the advancement of science as a whole.

The confidence that the scientific community once had in the federal governance of biomedical research has been further eroded by the use of inappropriate criteria for appointment to high-ranking positions, particularly within the Department of Energy and Human Services. In recent administrations, it has become commonplace to consider political views on issues such as abortion and the use of fetal tissue in research. This tendency has compromised our ability to select leaders on the basis of their scientific accomplishments and their capacity to make the best use of federal programs and make objective decisions.

These administrative problems have been compounded by confusion over the goals of federally supported biomedical research. Economic woes have encouraged call for increased application of current knowledge to practical problems in all branches of science. These appeals have special resonance in biomedical science now that so many opportunities for practical applications are at hand. In recent months such calls for applied science have been echoed by the public because research opportunities have been championed by National Science Foundation (NSF) director Walter Massey and Representative George Brown (D-CA), a long-time friend of science. (1)

Claims that "society needs to negotiate a new contract with the scientific community rooted in the pursuit of explicit, long-term social goals" (2) are, however, based on debatable assumptions and threaten the viability of our greatest asset—basic research. These appeals imply that basic research has become an entitlement program, although evidence shows it to be underfunded. They presume that basic and applied research can be unambiguously distinguished, but they have been refuted by the NSF budget which supports basic research declined, despite an overall increase that benefited more applied areas.

The long-range future of biomedical science is also jeopardized by the deterioration of our educational programs in math and science. Academic institutions and the private industrial sector now depend on the nation's schools to supply a competent workforce by stimulating interest in scientific thought and by training students in research. Many indicators show that we are failing to achieve these goals, especially with students in their early school years and when our performance is best. If the United States is to realize the potential and actual advances in health care that could be achieved with increased support. We will explore future advances made by our investment in biomedical research.

CONCLUSION

We look to our new president and vice president for leadership in fulfilling the promise of science for our nation. We hope that they will not fail prey to the view that the goals of our research must be achieved by a shift in emphasis from basic science to applied research. Instead, the U.S. federal government should act decisively and soon to revitalize the support of fundamental as well as applied research. President Clinton and Vice President Gore have spoken clearly on health care, economic policy, and education. We ask them to do the same on the issues that confront science. (3)

REFERENCE AND NOTES

1. D. Thompson, * * * 140, 84 (25 November 1992).
3. This policy forum is based in part on a statement prepared in November 1992 by the Joint Steering Committee for Public Policy, representing the American Society for Cell Biology, the American Society for Biochemistry and Molecular Biology, the Biophysical Society, and the Genetics Society of America.

STATEMENT OF PURPOSE FOR THE BIOMEDICAL RESEARCH CAUCUS

To broaden support and knowledge of basic and clinical biomedical research issues throughout the Congress in a bipartisan manner.

To support the excellent work of existing Committees and Members with jurisdiction over National Institutes of Health, National Science Foundation, science research and health issues. The caucus seeks to augment their work.

To encourage careers for men and women in biomedical research among all segments of our society by ensuring stability and vitality in the programs at the National Institutes of Health and the National Science Foundation.

To inform and educate the Congress about potential and actual advances in health care made by our investment in biomedical research. We will explore future advances that could be achieved with increased support.

To maintain our economic advantage in world markets in biomedical research and related biotechnology.

To provide an educational forum for discussion and exchange of ideas on issues involving biomedical research.

Biomedical Research Caucus Co-Chair:

Congressman George W. Gekas, Congresswoman Nancy Pelosi, Congressmen Sonny Callahan, and Congressman Ken Bentsen.
H7078

CONGRESSIONAL RECORD—HOUSE
July 26, 2000

Caucus

2000 SCHEDULE OF EVENTS

March 1, 1999, Angiogenesis in Health and Disease, Napoleonle Ferrara, Genentech, Inc.
March 17, 1999, Salute and Commemoration, Harold Varmus, Memorial Sloan-Kettering Cancer Center.
April 4, 2000, Using Genomics to Study Human Biology, Mary-Claire King, University of Washington.
June 7, 2000, Metastasis: How Cancer Cell Invade the Body, Richard Hynes, Massachusetts Institute of Technology.
July 12, 2000, Bioinformatics and Human Health, David Bolstein, Stanford University.
September 6, 2000, The Crisis at Academic Health Centers, Chief Thier, Partners HealthCare System, Inc.
October 4, 2000, Pharmacogenetics & Genomics: Tailor-Made Therapies, Elliot Sigal, Penn State University.

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES,

JOIN ME IN COSPONSORING H.R. 2399 THE NATIONAL COMMISSION FOR THE NEW NATIONAL GOAL: THE ADVANCEMENT OF GLOBAL HEALTH

DEAR COLLEAGUE: The entire world ack-
nowledges that the 20th century was en-
trusted to the task of eradicating world
war and world communism. The 20th century
provided the United States with the unique
capacity to channel the genius of its technology, industrial might, scientific research and dedicated will of our people to defeat totalitarianism. The United States was enabled to channel its technology, industrial might, scientific research and dedicated will of its people to defeat totalitarianism.

The United States also endowed the world
with a new institution that was established for the purpose of preventing and eradicating disease. Specifically, this commission would be authorized to spend up to $1 million as seed money to coordinate and attract private and public funds, both at home and abroad, to reach these goals.

The knowledge and unbound imagination of our researchers, doctors and scientists have ensured the preeminence of research that has fostered our freedom and economic stability. Now, we must empower these indi-
viduals in an all-out effort to devise the meth-
ods and substances to eradicate disease world wide. The concern for human life re-
quires us to muster all available resources, bolstered by a concerted, dedicated will to eradicate diseases from the face of the Earth. Please join me and Rep. John Porter in cospon-
soring this legislation. If you have any questions about this proposal, or would like to become a cosponsor, please contact Matt Zonarchik at 5-4355.

Very truly yours,

GEORGE W. GEKAS,
Member of Congress.
H.R. 2399

The bill enacted by the Senate and House of Rep-
resentatives in the United States of America in Congress assembled,

SEC. 1. SHORT TITLE. This Act may be cited as the “National Commission for the New National Goal: The Advancement of Global Health Act”.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) During the 20th century the United States led the world in defeating totali-
тарianism and communism.

(2) The United States also led the world in spreading and establishing democracy in every region.

(3) The end of global conflict and the end of the Cold War, now guaranteed by the power and leadership of the United States, allow the Nation to establish new goals for the 21st century.

(4) The United States, the world leader in the research, development, and production of technologies, medicines, and methodologies utilized to prevent and cure disease, has established a Center for Vaccine Development at the National Institutes of Health that could assist in the global control of infec-
tious diseases.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the “National Commission for the New National Goal: The Advancement of Global Health” (in this Act referred to as the “Commission”).

SEC. 4. DUTIES OF COMMISSION.

The Commission shall recommend to the Congress a national strategy for coordi-
rating governmental, academic, and public and private health care entities for the pur-
pose of the global eradication of disease. The Commission shall authorize the United States to assist in the global control of infec-
tious diseases through the development of vaccines and the sharing of health research information on the Internet.

SEC. 5. MEMBERSHIP.

(a) MEMBERSHIP OF THE COMMISSION.—The Commission shall consist of individuals who are of recognized standing and distinction in the field of global health and have a purpose to discharge the duties imposed on the Commission, and shall include representatives of the public, private, and academic areas whose capacity is based on a special knowl-
edge, such as computer sciences or the use of the Internet for medical conferencing, or ex-
pertise in medical research or related areas.

(b) NUMBER AND APPOINTMENT.—The Com-
mision shall be composed of 15 members ap-
pointed as follows:

(1) The Secretary of Health and Human Services (or the Secretary’s delegate).

(2) The Chairman of the Federal Trade Commission.

(3) The Director of the National Science Foundation.

(4) 2 individuals appointed by the President from among individuals who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(5) 3 Members of the Senate appointed by the President from among individuals who will represent the views of recipients of health services.

(6) 3 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(7) 2 individuals appointed by the President from among individuals who will represent the views of recipients of health services.

(8) 2 individuals appointed by the President from among individuals who will represent the views of recipients of health services.

(9) 1 individual appointed by the President from among individuals who will represent the views of recipients of health services.

(10) 1 individual appointed by the President from among individuals who will represent the views of recipients of health services.

(11) 1 individual appointed by the President from among individuals who will represent the views of recipients of health services.

(c) CONTINUATION OF MEMBERSHIP.—If a member is appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member may continue as a member for not more than 30 days immediately following the date that member ceases to be a Member of Congress.

(d) TERMS.—Each member shall be ap-
pointed for the life of the Commission.

(e) BASIC PAY.—Members shall serve with-
out pay.

(f) QUORUM.—Nine members of the Commis-
SION shall constitute a quorum but a lesser number may hold hearings.

(g) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be designated by the Presi-
dent at the time of the appointment.

(h) MEETINGS.—The Commission shall meet monthly or at the call of a majority of its members.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Com-
mision may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evi-
dence as the Commission considers appro-
priate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any ac-
tion which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Com-
mision may secure directly from any depart-
ment or agency of the United States in-
formation necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall fur-
nish the information to the Commission.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or prop-
erty, including copyright in computer software, for the purpose of aiding or facilitating the work of the Com-
mision. Gifts, bequests, or devises of money
and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Chairman. For purposes of Federal income, estate, and gift taxes, property accepted under this subsection shall be considered as a gift, bequest, or devise to the United States.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide the Commission, on a reimbursable basis, the administrative support services necessary to carry out its responsibilities under this Act.

(g) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for administrative and other services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—The Commission shall submit to the President and the Congress a interim report as the Commission considers appropriate.

(b) FINAL REPORT.—The Commission shall transmit a final report to the President and the Congress not later than 12 months after the date of enactment of this Act. The final report shall contain a detailed statement of the findings of the Commission, together with its recommendations for legislative, administrative, or other actions, as the Commission considers appropriate.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submitting its final report pursuant to section 7(b).

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of its enactment.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated not to exceed $1,000,000 for fiscal year 2000 for the National Institutes of Health to carry out coordination activities under this Act with the Commission, the National Science Foundation, and other appropriate groups to transfer health research information on the Internet and to transfer the benefits of the infectious disease vaccine development program.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 610(c)(2))) authorized by this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

Mr. GEKAS. Mr. Speaker, we have here a little poster that tells the story and tells you the intricate number of steps and areas in which we are involved on behalf of the American people. That is the important thing. Are you not concerned about him? How about your own child who might need a new device or a new biological device to sustain life? How about an elderly person that is beginning to be afflicted by Alzheimer’s? Do we not want to do something about this? That is what we are going to be doing in the context of the National Institutes of Health. And doubling it will increase the focus and effort on every one of these diseases that can plague your family or the people down the street.

For instance, the human genome project will enable doctors to identify individuals at increased risk for diseases like hypertension and stroke, glaucoma, osteoporosis, Alzheimer’s or severe depression. These are not just labels that we throw out. These are living organisms of disease that are killing us, that are hurting us as an American people. And we are going through this effort to reduce the pain and suffering and to eliminate the early deaths that so hurt our Nation.

Our ultimate goal will be to find ways to slow down the development of progression of these diseases and design ways to intervene to prevent the development of these horrific diseases as we have said. Cancer therapy will change. Physicians will be able to customize cancer treatment by knowing a molecular fingerprint of a patient’s tumor. That is important work. The genetic fingerprint of a person’s cancer cells will be used to create a drug that will attack the cancer cells and render targeted treatment which is more effective and safe. In other words, hit the cancer cells and do not allow this other destruction of tissues that so often this day and age while sometimes helping to cure the cancer kills the patient because of the reduction of vital tissues in other parts of the body.

These are living species that we are talking about. We will have effective vaccines for infectious diseases such as AIDS, tuberculosis and malaria. New science on the brain will lead to the treatments for alcoholism, drug abuse and mental illness. What this new funding brings about is progress in all of these things. Improvements in the treatment and prevention of disease are dependent on the generation of new ideas. We all know that.

The speed of discovery can be accelerated by developing greater resources to the NIH and the National Science Foundation budgets. We have been saying that, we will resit it, it is important to restate it as often as possible, but it is absolutely vital.

One thing I want to mention, that not only do we along the way start to discover methodologies for preventing disease but there is a side dividend to all of this for all of this, because as we begin to treat and let us say, cure kidney disease, just to give you an example, we would be saving millions and millions of dollars to the American taxpayers, to the Federal budget, to the local budgets by bringing about a cure or a close to the terrible disease.

And when you add that combined with kidney disease are blindness, hypertension, all other kinds of side maladies, bringing them all into a cure or preventive methodology means that we will be saving not just the pain and suffering which are reason enough to try to do this but to have the added benefit of saving millions and millions of dollars to the American people which is so much on the mind of all the Members of the Congress and on the members of the public, knowing what bills they have for pharmaceuticals, for doctors bills, for HMOs, for hospital care, all of the various expenses to keep us healthy.

We will, as we progress towards doubling this effort of funding, come to a point where we are also saving money. That should be good news because that is one of our duties as Members of Congress, not just to bring about an investment in trying to prevent disease but also to do it as economically and with as much saving of taxpayers’ money as possible.

I just to give you an example, in 1994, the direct costs for cancer, in billions, $41 billion was spent. Indirect costs, some $68 billion. So the total cost for cancer in 1994, $110 billion. What happens if we start to focus on certain cures and bring about a no cost to that kind of particular tumor or cancer that has taken the life of someone? We will not only have saved the life and other lives and prevent it, but the costs of healthcare are going to decrease proportionately.

Look at diabetes. In 1997, $44 billion actually spent, $54 billion of indirect costs, $98 billion in costs for just that, in one year. 1997. As we know, diabetes, back to kidney disease and other consequences of diabetes, the costs and the effects all mount up to the detriment of the American people, but to stem the tide of these adverse effects on our fellow Americans. And so on and so forth.

Look at pulmonary diseases in 1998, $21 billion. Kidney and urological diseases in 1985, $26 billion. Stroke, $28 billion. And so on and so forth. No wonder we have rising health care costs. All the more reason why we should be devoting our efforts, legislative and financial, fiscally, fiscal concentration, on defeating some of these diseases that plague us as they are doing. So we spend billions and we are doing it, not an inconsequential thing, we save taxpayers’ money.

Now, what I want to do, also, is to mention here that in support of the NIH and all these efforts, about 10 years ago we developed a very unique lecture series here in the Capitol. The Biomedical Research Caucus as we framed it at that time was going to bring and has brought scientists of the first order to the Capitol to explain the latest developments and bring us up to date on what is happening in the field of women’s breast cancer or Alzheimer’s disease or Parkinson’s disease. I just today, we had a wonderful lecture by astronauts and astronaut scientists, NASA scientists on microgravity and some of the things that are being discovered in space that help us here on Earth to early detection of certain diseases and health care research to combat other diseases, and the cure of some diseases.

Why? Because we are engaged in while we are funding space projects, marrying them to the National Institutes of Health so that the new science
of the space age can be adopted and adapted to human endeavors here on Earth, blending every new advance that we make, in space and on Earth.

Which brings me to something poignant in what we have been trying to say here. In a recent letter, on June 7, 2000, the subject was, just to give you an example, metastasis, how cancer cells invade the body. We all know what metastasis is. That is, a discovered tumor, even though excised from the body, still results in the destruction of that individual, the death of that individual through metastasis, that it spreads to other vital parts of a body and the surgeons and the medical people are helpless to stem the tide of this metastasis, this spreading of the tumor.

Ironically, one of the stronger figures in our enterprise, a lady by the name of Belle Cummins, an attorney who has been helping us for years in all these projects and was very close to the scientific legislators and knew the subject matter back and forth, was very helpful, as I say, on every detail of our massive enterprise here, herself was struck with cancer, a rare form of cancer, actually. But the cause of final death was the metastasis, the irrevocable spreading of this cancer to other parts of the body which killed her and robbed us of a friendly agent in the gigantic enterprise in which we have found ourselves here.

The other kind of subject matter we had, just in the year 2000, we have had some 90 sessions on Capitol Hill since we started this program and among the people who lectured to us were a handful, six or seven or eight, Nobel winners. I sometimes jokingly say they won the Nobel because they came and lectured to us, because we brought them to Capitol Hill. That is not exactly the case. But the point is that we have had the latest news that has been developing during the space age can be adopted and adapted to human endeavors here on the globe in the various diseases, from cloning and the genome project, the mapping of the human gene, all of these things are a part of the regular routine of our Biomedical Research Caucus, keeping all the Members of Congress aware of the various developments.

I see sitting with us one of the members of the Biomedical Research Caucus, as a matter of fact one of the cochairs, the gentleman from Texas (Mr. BENTSEN). I wish to yield to him now for the purpose of adding his commentary to this special order.

Mr. BENTSEN. I thank my colleague from Pennsylvania for yielding. Let me say, Mr. Speaker, at the outset that the gentleman from Pennsylvania (Mr. GEKAS) is the real driving force behind this particular effort in doubling the NIH budget as well as in the entire Congressional Biomedical Caucus.

I think all Members of the House and the Senate owe him a debt of gratitude for the tireless work that he has put into this effort. I also want to join with him in his comments regarding Belle Cummins. It was a tremendous loss to this effort and to many of us personally for the work that she had done in her tireless effort. She will be greatly missed. But perhaps in her loss, that should afford us the ability to redouble our efforts in trying to achieve the goal that she so much sought to see the Congress achieve.

I want to add, before I get to my prepared statement, my comments regarding the marriage of medical research and scientific research, because, in fact, in my congressional district that I have the honor of representing, it includes the Texas Medical Center and it abuts the Johnson Space Center; and the Texas Medical Center is the first biomedical research center of NASA.

It is a joint project between NASA and Baylor College of Medicine, Rice University and several other institutions, including some other institutions around the country.

This is something that the NASA administrator, Dan Golden, and his people came up with early on as an idea of how to leverage both the basic science that is done at NASA, with the medical research being done at our medical institutions with the hope that this type of leveraging can go on in other areas beyond medical research.

But it would not have happened, it would not have happened had it not been for the seed capital put in by the Congress through the National Institutes of Health and through the Medicare program and other programs that have established these academic medical centers which now are true laboratories for growth. It is a tremendous effort.

I want to say, I am not going to go through my whole statement, I will submit most of it for the Record, but I do have some of the cochairs with the gentleman from Pennsylvania (Mr. GEKAS), he is the real chair, we just work for him in this process. He is absolutely correct on H. Res. 437, a sense of the House that the House should provide an additional $2.7 billion for the National Institutes of Health budget for fiscal year 2001.

This is one of the best things we could do in the United States in terms of what it does to continue to try and cure cancer, and all the other diseases, from heart disease, stroke, diabetes and heart disease and the like.

A lot of our colleagues may say, why should we not just allow the private sector to fully fund this? The fact remains that there is a lot of research where the private sector will not go. It is far too great, and there is a risk there. I am a little bit surprised that our government does not do more in terms of doubling the budget, but there is a risk involved. There are many government programs we can find that have that kind of yield on investment.

The government funds the basic research with which biotechnology and pharmaceutical companies use to create new therapies and treatments for cancer, diabetes and heart disease and the like.

Mr. Speaker, I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. There are not many government programs we can find that have that kind of yield on investment.

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with worldwide assistance and the private project that was being done. But I think it goes without saying, had NIH not been there at the beginning, not funded this, we would not have seen a private entity come into it.

Further, I have had the opportunity to talk with many of the researchers about this, and there not been a federal public domain involvement in something as critical as the human genome project, I think it is unlikely that we would have had the early commitment that the data were going to be available to the public. It is a commitment that is part of the public domain and not something that is down at the Patent Office that says that the future treatment that can be so critical to the future well-being of the American citizen is something that we would have to go through a copyright and pay a premium for as opposed to something that we as Americans can all enjoy the opportunity of.

This is a testament to the work of the NIH, and I would just say to my colleagues, the gentleman from Pennsylvania (Mr. Gekas), that, once again, on this particular issue, and there are other issues as well, but on this particular issue, he is very much on the money. He is taking a lead role in saying that the United States taxpayers should put its resources behind funding and doubling the budget for the NIH.

We get a tremendous return for our well-investment, and I commend the gentleman for once again taking the lead on this and this resolution. I look forward to continuing to work with him on this until we achieve that goal of doubling it over the 10-year period.

Mr. Speaker, I rise today in strong support of H. Res. 437, a Sense of the House of Resolution that the House of Representatives should provide an additional $2.7 billion for the National Institutes of Health (NIH's) budget for Fiscal Year 2001. This $2.7 billion investment would allow the NIH to double its five-year effort to double the NIH's budget.

As one of four Co-Chairs of the Congressional Biomedical Caucus, I have strongly supported providing maximum resources for biomedical research conducted at the NIH. This $2.7 billion investment in NIH's budget will help to save lives and improve our international competitiveness. Our nation's biomedical research is the envy of the world, but we must continue this investment to ensure that we maintain this preeminence.

This additional support will help to ensure more scientists have the resources they need to conduct cutting-edge research. Today, only one-third of NIH peer-reviewed, merit-based grants are funded. This additional investment would help us to increase the number of grants awarded each year and ensure that young scientists have the resources they need to save lives and cure diseases.

I am also convinced that this additional 50 percent investment in the NIH is being used wisely. Today, there are more than 50,000 scientists who directly benefit from NIH research funded at the National Institutes of Health. Two scientists I represent, the NIH provides a total of $289 million for clinical research projects in Fiscal Year 1999. For many of these scientists, the NIH funding is critically important to funding their research. Without it, they would not be able to test new therapies. Today, many academic health centers are struggling to maintain their mission of training our nation's health care professionals, providing quality health care, and conducting clinical research. As managed care plans reduce reimbursemences for health care services, the NIH funding helps to ensure that this mission is achieved.

I also believe that investing in the NIH helps our economy to grow. For every dollar spent on research and development, our national output is permanently increased by 50 cents or more each year. The government funds the basic research which biotechnology and pharmaceutical companies use to create new treatments for conditions for cancer, heart disease, AIDS, and Alzheimer's. At Baylor College of Medicine, the NIH funding is leading to new information about pediatric AIDS treatments, tuberculosis, and prostate cancer treatments.

As a member of the House Budget Committee, I coauthored an amendment to add $2.7 billion to the NIH's budget. Although the NIH amendment was not successful, I believe it is critically important to continue to remind my colleagues of the potential for success with more investment in biomedical research. For many families, maximizing the NIH budget is an important part of their efforts to fight and beat chronic diseases such as heart disease and diabetes. As we learn more about the molecular basis for such diseases, new tools are being developed to defeat diseases and save lives.

As part of the Congressional Biomedical Caucus, we have also sponsored luncheons to discuss biomedical topics in Congress. These activities have allowed me and my colleagues to work with researchers and policymakers to identify opportunities for Congress and staff to learn about new research programs which have been funded by the NIH-sponsored grants. This first-hand information will help to highlight how vital these resources are being used.

I call on my colleagues in the House of Representatives to support and become a cosponsor of H. Res. 437, legislation that would provide $2.7 billion more for the NIH's budget as part of the Fiscal Year 2001 budget process.

In a related vein, a conference is currently meeting to reconcile the differences between the two versions of Fiscal Year 2001 Labor, Health and Human Services, and Education appropriations bill. I am concerned that the House bill includes $18.8 million, a 6 percent cut, for the NIH. However, I am pleased that the Senate appropriations bill includes the additional $2.7 billion investment in the NIH that we need. I strongly urge my colleagues in this conference committee to adopt the Senate funding level so that the NIH's budget will be doubled over five years. Mr. Gekas, Mr. Speaker, we thank the gentleman from Texas (Mr. Benton) for his very valuable contribution.

Mr. Speaker, the last item that we wish to record for my colleagues are those of the recommendations that have come out of the scientific dialogue on this important question. These great scientists stated, and I quote, in part, if the United States is to realize the promise of science for our society, the new generation of scientists that emerges in 1993, should take action on several fronts, and here are bits and pieces of these several fronts, develop an economic strategy for optimizing...
Mr. GEKAS. I yield to the gentleman.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his leadership on this issue and allowing me to participate. I think this issue that the gentleman brings before us is exciting and has great potential and is critical and needed.

Mr. Speaker, I strongly support the gentleman from Pennsylvania (Mr. GEKAS) and others in their effort to double the funding for the National Institutes of Health for research in the biomedical field. Research today will be the basis for the discovery of treatments and prescription drugs that will provide much needed benefits tomorrow.

Passive investments in biomedical research have resulted in better health and improved quality of life for all Americans, as well as a reduction in national health care expenditures. The Federal Government represents the single largest concentration of biomedical research conducted in the United States and must continue to play a vital role in the growth of this national biotechnology industry.

The National Institutes of Health is prepared to lead us into an exciting new era of molecular medicine that will provide us with unprecedented opportunities for the prevention, the diagnosis, the treatment, the cure of all diseases that currently plague our society.

Patients with debilitating diseases such as osteoporosis and diabetes, or life-threatening cervical, breast, and prostate cancer will benefit from the further understanding of the principles of biometrics. The development of new hard tissue, such as bone and teeth, as well as the study of soft tissue development, holds great promise for the design of new classes of bio-materials and pharmaceuticals, and the diagnosis and analytical reagents for use in the treatment of disease and their side effects.

We are on the dawn of a biomedical revolution, and most Americans show overwhelming support for an increased Federal investment in biomedical research to improve the quality of their lives and of world citizens.

Again, I support the request to increase by $2.7 billion the budget to the National Institutes of Health to fund biotechnological research, and biomedical researchers should not have to wait any longer than necessary to begin the new generation of discovery that awaits them and to benefit the
Mr. Speaker, to bring to a close our special Special Order, I just want to repeat some of the promises that lie ahead with the continued development of our research capability: new ways to relieve pain, that goes without saying; medications for the treatment of alcoholism and drug addiction; clinical trials database to help the public gain access to information about all of these trials through the Internet and through other devices that we have.

I see our colleague, the gentleman from Iowa (Mr. GANSKE), who is seated here, ready to take a Special Order on his own. I just today he and I had a discussion about the Patients’ Bill of Rights and the pharmaceuticals and all of the contributions that this does to all of this; and I maintain if we can pass our bill and establish this commission to look at all the phases of health care for the eradication of disease, that the plight of our teaching hospitals, patient care, pharmaceuticals, everything that worries us which is all of this, can be placed in a proper order to take the lead globally in the eradication of disease.

Mr. PACKARD. Mr. Speaker, I urge my colleagues to support increased funding for the National Institutes of Health (NIH). The NIH is the pre-eminent biomedical research enterprise in the world, relied on for its innovation by countries spanning the developing and industrialized world. The vast bulk of the NIH funding we appropriate goes to the large medical research institutions in this country that lead the fight against disease and illness.

The NIH has always enjoyed strong bipartisan support from Congress. An increase in NIH funding would accommodate substantial increases in the grants, training awards, and infrastructure improvements that are critical to the conduct of medical research. Additional funding would also give the NIH a greater ability to disseminate information on new breakthroughs to patients and health care providers. NIH researchers are on the verge of tremendous new discoveries in science and medicine.

Mr. Speaker, I again urge my colleagues to continue their support for the NIH in the best way possible—by increasing funding.

Mr. LA FalCE. Mr. Speaker, the National Institutes of Health benefits all Americans, and we look to the promise of medical research that they do. Thanks to the scientists, doctors and other professionals at NIH, we are closer than ever before to finding cures and improved treatments for diseases like Alzheimer’s, diabetes and cancer. We need to show our unwavering commitment to the NIH and the importance of what they do. That is why I strongly support doubling the NIH budget.

In addition to the countless health benefits that this will bring to the American people, it will result in savings as well. Every dollar that we invest, particularly in the research work that they do, reduces the costs of treating a disease that we can cure. Diabetes is a prime example of this. It is estimated that one out of every ten health care dollars in the United States and one out of every four Medicare dollars is spent on diabetes care. If we invest enough money to follow all the promising leads that the congressionally-mandated Diabetes Research Working Group has identified, we can cure this disease. We should do that. Just thinking about the 16 million Americans, and their families, who suffer from this disease. As Vice-Chair of the House Diabetes Caucus, I urge all of my colleagues to support this investment in finding a cure. And it truly is a cost-effective, life-saving investment. And if we succeed, there is no reason that we can’t do it.

Alzheimer’s, arthritis, multiple sclerosis, osteoporosis, diabetes, cancer, autism, macular degeneration and on and on—all we have family, friends, constituents who are affected by these diseases in one way or another. Particularly as our older population continues to grow, we need to increase our commitment to health care. An appropriate investment now, when the resources are available, will translate into immeasurable savings, both in human life and on the road.

This is truly an investment in our future. Let’s make this commitment and let science show us how we can all live healthier, happier, longer lives.

Mr. FILNER. Mr. Speaker, I rise today in support of doubling the budget of the National Institutes of Health to further life-saving research.

The world is at the cutting edge of biomedical research breakthroughs that will alter forever the age-old battle of humans against disease. The discovery of cures for most life-threatening diseases can, and will, be achieved in our lifetime. But, we can cross that ultimate frontier of an improved quality of life for all Americans only if this Nation commits itself to funding biomedical research at a sufficient level to do the job. Mr. Speaker, we can demonstrate our collective resolve to accomplish that result by doubling the funding for the National Institutes of Health.

Our research is beginning to pay off. Hundreds of new drug discoveries are rapidly making their way through clinical trials. Through the concerted genome effort, we will in a very short time have effectively decoded the enormous amount of DNA sequence information that forms the blueprint for human life. The developing field of proteomics will provide the tools to understand the function of proteins produced by genes. The quantity and quality of targets for the development of new drugs will be increased by a factor of previously unbelievable proportions. In addition, progress is being made in understanding the immune system itself to fight cancer and other diseases. Immunotherapy, and gene therapy, as demonstrated by the scientists at the Sidney Kimmel Cancer Center in San Diego, are beginning to unlock the secrets of how to effectively combat disease in virtually every cell of the body. Anti-angiogenesis—a process which prevents the formation of new blood vessels which feed the cancer as it multiplies—offers great hope. The progress being made in San Diego research institutes suggest that the accelerating pace of laboratory discoveries for new treatments for cancer will reduce hospitalization and the costs of treating a disease that we can cure. Diabetes is a prime example of this. It is estimated that the largest recipients of NIH funding in the country—and also at the Salk Institute, the Burnham Institute, and the Scripps Research Institute. And, the most dramatic results of these scientific advances may be demonstrated when they work in combination with chemotherapy, radiation, and surgery.

Furthermore, for us to take fullest advantage of this investment, we must care to invest it wisely. So in addition to increasing our work in basic health research at the National Institutes of Health, we should treat in a similar fashion our investment in the Centers for Disease Control and Prevention, and in the programs of the Health Resources Service Administration, which are vital to putting in practice the things we learn through basic health research. As a strong fiscal conservative, and as a member of the House Appropriations Committee, HHS, VA, and Related Agencies and Education, I am committed to working with my colleagues to achieve these goals within a limited federal budget.
Rather than address this issue myself, I have asked several of my constituents and leaders in the field of health research to address this issue themselves. With the consent of the gentleman from Pennsylvania (Mr. GEKAS), I would like to insert in the Record at this point several letters, e-mails, and notes that describe in further detail the importance of doubling our investment in health research.

Mr. Speaker, I submit the following letters for the RECORD.


Hon. RANDY “DUKE” CUNNINGHAM, House of Representatives, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: On behalf of Chiron Corporation’s Blood Testing Division, I appreciate this opportunity to convey our support for increased funding for biomedical research.

Chiron Corporation, headquartered in Emeryville, California, is a leading biotechnology company with innovative products in three global healthcare markets: biopharmaceuticals, vaccines and blood testing. Chiron, and its partner, Gen-Probe Incorporated of San Diego, formed a strategic alliance in 1995 to develop new high performance, non-tissue-based, detection technologies for use in blood donations.

Blood donation is a critical source of human infectious disease information, and Chiron can provide guidance on the potential for disease transmission through blood donations. The risk of transmission of many infectious diseases is reduced through current blood donation screening procedures. However, blood donation screening is imperfect, and some donors are infected but not detectable by current blood screening methods.

Today, there are several strategies to detect these infections. Blood donation screening is being augmented by nucleic acid testing (NAT) for specific virus infections. NAT is a type of molecular biology testing technology that uses DNA amplification techniques to detect specific genetic sequences. The amplification reaction is performed in a machine called a nucleic acid amplification (NAA) system.

Today’s blood donation screening protocols will miss 50% of HBV-infections, 75% of HCV-infections, and 80% of HIV-infections. NAT can detect very low levels of these infectious agents.

In 1999, the Chiron Gen-Probe partnership has been supplying NAT reagents, instrumentation, training, and technical support to the U.S. blood centers performing NAT under FDA approved clinical protocols. The Chiron Gen-Probe HIV-1/HCV Assay is currently utilized to screen approximately 75% of all volunteer blood donations in the U.S. In addition, the Armed Services Blood Program now routinely screens blood donations with the Chiron assay.

Gen-Probe’s Genomic NAT Technology is the next technological advance in ensuring the safety of the nation’s blood supply. It is designed to detect specific genetic sequences in blood donors to prevent transmission of these infections. Therefore, Gen-Probe’s Genomic NAT is the most recent strategy for improving the blood donation screening system. Gen-Probe is applying for FDA approval to commercialize this technology.

As the National Heart, Lung, and Blood Institute (NHLBI) stated in its Strategic Plan for 2001, the nation’s biomedical research infrastructure “is at the beginning of its maturation.” Gen-Probe believes that genomic NAT is the new world standard for blood donation screening.

Without medical and health research I could not walk, but do use a wheelchair, to reserve my first Service dog for Physical Therapy. I have already lost one dear friend to a premature death from cancer, and several other friends are literally in a fight for their lives. I have received medical research at the National Institutes of Health (NIH) until we understand the cause and treatment of PCOS, continue to be supported by the NIH until the disease and have an answer for every single woman that suffers from it.

DEAR DUKE, I am writing to urge you and your colleagues to secure an increase in funding for the NIH for FY 2001 that will keep us on track for doubling in five years. In spite of our continued and spectacular recent progress in the fight against diseases, too many of our friends and loved ones die prematurely or suffer needlessly from diseases that we could defeat if our research efforts could proceed more swiftly. This year alone, I have already lost one dear friend to a premature death from cancer, and several other friends are literally in a fight for their lives. I have also received many phone calls and letters from people afflicted with presently incurable diseases, but where research holds hope for treatment in the not too distant future.

Better and faster biomedical research is clearly the best answer for these people. It is only by understanding fully the cellular and molecular basis for disease that we can then develop effective therapeutic strategies.

As you know, the House and Senate have been working toward the goal of the doubling of NIH by the year 2003. Congress has provided the necessary 15% increases over each of the past two years to meet this important goal. For FY 2003, Congress must provide an increase of $2.7 billion in order to reach the doubling goal. These funds are critical for the continued rapid progress in the battle against cancer, diabetes, ALS, Alzheimer’s and other diseases affecting millions of Americans.

I know that you and I share our belief that biomedical research and our fight against disease is one of our most important national priorities. I look forward to working together with you in the future on this important battle.

Sincerely,

LAWRENCE S.B. GOLDSTEIN, Ph. D.

Mr. CAPUANO. Mr. Speaker, I would like to take a moment to thank my colleagues from Pennsylvania, Mr. GEKAS, for arranging tonight’s special order, as well as the distinguished chairman of the Subcommittee for Appropriations, Mr. Porter, for his work and dedication in support of biomedical research at the National Institutes of Health.
Health (NIH). I believe it is essential that Congress move forward in its commitment to double the research budget at the NIH. Currently, scientists at the NIH are developing cutting-edge treatments for hundreds of diseases, including cancer, Alzheimer’s, and diabetes. Increased funding for medical research and development of billions of Americans to lead healthier lives. I, therefore, rise in support of efforts to provide a 15% increase for NIH in FY2001. This increase will mark the third installment of the plan to double the NIH budget over a period of five years.

Each year that we increase funding for NIH leads healthier lives. I therefore rise in support of doubling the NIH budget for fiscal year 2001. This increase will mark the third installment of the plan to double the NIH budget over a period of five years.

Each year that we increase funding for NIH, it is amazing to reflect on the impact of those discoveries. Currently, the economic cost of illness in the United States is estimated at about $3 trillion. An annual appropriation of $16 billion—less than 1 percent of the Federal budget—is a small price to pay to maintain NIH’s strength in controlling and curing disease. I hope that all of my colleagues will join me and the other members of the Congressional Biomedical Caucus in supporting full funding for the NIH and medical research.

Mrs. MALONEY of New York. Mr. Speaker, I join my colleagues in support of doubling the NIH budget for fiscal year 2001.

I thank my colleague GEORGE GEKAS for organizing this special order. This is one budget item upon which every single American—theirs or ours—should agree. I am hopeful that we will be able to provide a portion of their federal income tax refunds to support NIH research efforts. I introduced the bill on a bipartisan basis with the ranking member of the Health and Environment Subcommittee, Mr. Brown of Ohio.

Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle to talk about the importance of doubling the funding for the National Institutes of Health. Since we last met, we have already made two down payments on this goal, first in 1999 and again in 2000. Unfortunately, last month the House approved a Labor-HHS-Education bill which significantly backtracks from our commitment. We must insist on an up payment on this that serious underfunding is corrected in conference.

I support full funding for the NIH on behalf of all of my constituents who struggle with illnesses that we do not fully understand. I know, as they do, that NIH-funded research can lead to better treatments and cures. At the same time, each year NIH researchers uncover new information which helps doctors better treat patients with heart disease, cancer, diabetes, mental illness, and many other terrible diseases.

The National Institutes of Health fund well over a third of all biomedical research in the United States. But NIH’s role goes well beyond that, because NIH is the primary funder of all basic research. Basic research, which is generally focused on discovering new scientific principles, often cannot be patented and is therefore not appealing to for-profit companies. But basic research provides the building blocks on which new treatments and cures are built. Of the 21 most important medications introduced between 1965 and 1992, 15 were developed using tools from federally funded research. Seven were directly developed by government-funded researchers.

One of these exciting new drugs, Cisplatin, was developed by researchers in my home State at Michigan State University. Working with NIH’s National Cancer Institute, biophysicist Barnett Rosenberg developed Cisplatin, an anti-cancer drug that cures sixty to sixty-five percent of testicular cancer cases and reduces risk of death by fifty percent when used to treat cervical cancer. Without NIH’s expertise and resources, Dr. Rosenberg might not have been able to complete the pharmacology, toxicology, and clinical trials needed to get this drug to the cancer patients who need it.

Each year that we increase funding for NIH, we make possible more discoveries in this field and we make sure that the public benefits from those discoveries. Currently, the economic cost of illness in the United States is estimated at about $3 trillion. An annual appropriation of $16 billion—a small price to pay to maintain NIH’s strength in controlling and curing disease. I hope that all of my colleagues will join me and the other members of the Congressional Biomedical Caucus in supporting full funding for the NIH and medical research.

In conclusion, I urge my colleagues to support funding the full 15% budget increase for the National Institutes of Health. I thank my colleague FRED UPTON. We are so close to a cure for this disease.

Leading scientists describe Parkinson’s as the most incurable neurological disorder. Breakthrough therapy or—perhaps a cure—is expected within a decade. When have researchers ever said that they think they can cure a disease in 10 years? I would like to focus my remarks tonight on the importance of giving NIH the largest increase possible. Specifically, I have been advocating for $71.4 million to implement NIH’s Parkinson’s Disease Research Agenda. During last year’s appropriations debate, we were successful in including language to support the development of this research agenda for Parkinson’s disease.

I truly believe that the time has come to fund the budget this year. But if we don’t, I will introduce legislation requiring this plan be funded in its entirety.

Finally, I just want to mention that I am anxiously awaiting the release of the final guidelines on stem cell research. We worked hard in Congress this year to not let stem cell research get politicized. We stood firm that Parkinson’s disease—along with diabetes, ALS, and a host of other diseases—must not be held hostage to extremists in Congress. I will continue to work for prompt implementation of this critical research when the guidelines are finalized. I thank my colleagues again for organizing this special order.

Mr. GEKAS. Mr. Speaker, reluctantly, because I am having a good time here, reluctantly, I am looking around, I see no other recourse except to yield back the balance of my time.
Mr. GANSKE. Mr. Speaker, tonight I am going to talk about two important health care issues that are facing Congress. One concerns HMO abuses, and the other concerns the number one public health problem in the country, and that is the use of tobacco.

Mr. Speaker, about 8 months ago on the floor of this House we had a momentous debate for about 2½ days on patient protection legislation; and at the end of that debate, 275 bipartisan Republican and Democratic Members of this Congress voted to pass the Norwood-Bingaman bipartisan consensus Managed Care Reform Act of 1999. Nearly every nurse, nearly every dentist, nearly every doctor who is a Member of this body voted for that.

Well, what has happened since then? Very little. A conference committee was belatedly named to try to get agreement between the bill that passed the House, the strong patient reform bill, and the bill that passed the Senate, which was more an HMO reform bill.

Unfortunately, nothing much is going on in that conference now. I do not think they met for probably about 2 months. There has been a paucity of public meetings. But a few weeks ago the issue was brought back to the floor of the Senate and a GOP HMO bill was added as an amendment to a bill, and it passed, just barely. It was the Nickles HMO amendment.

I would have to advise my colleagues that that GOP Senate bill that passed a few weeks ago by a margin of about one or two votes is worse than no bill at all. In fact, it is an HMO protection bill, not a patient protection bill. Would Members like to have some proof of that? Well, let me tell my fellow colleagues about some of the things that HMOs have been doing that have been documented in a recent article in Smart Money magazine in their July issue.

Consider the case of a man named Jim Ridler. It was shortly after noon on a Friday back in August 1995 when Jim Ridler, then 35 years old, had been out doing some errands. He was returning to his home in a small town in Minnesota on his motorcycle when a minivan coming from the opposite direction swerved right into his lane. It hit Jim head on. It threw him more than 200 feet into a ditch. He broke his neck, his collarbone, his hip, several ribs, all of the bones in both legs, it ripped the muscles right through his arm.

Over the next 4 months, after a dozen surgeries, he still did not know whether he would ever walk again. When he got a phone call from his lawyer who had started legal proceedings against the driver of that minivan who had swerved into his path, that call that he got from his lawyer really shook him up.

"I am afraid I have got some bad news for you," said his lawyer. He told Jim that even if Jim won his lawsuit, his health plan, his HMO, wanted to take a big cut out of what they had spent on his care.

"You are joking, right?" said Jim.

"Nope," said the lawyer.

Jim’s health plan had a clause in its contract that allowed the HMO to stake a claim in his settlement, a claim known in insurance as subrogation.

"So I pay the premium, and then something happens that I need the insurance for, and they want their money back?" Ridler asked incredulously.

"The way I figure it, my health insurance is just a loan."

Well, Ridler eventually settled his lawsuit for $450,000, which was all the liability insurance available. His health plan then took $406,000, leaving him after expenses with a grand total of $29,000.

Well, I am not going to read this. I am just going to tell you about it. I am going to tell you about this settlement.

Jim said, "I feel like I was raped by the system," and I guess I can understand his point of view.

I doubt that my colleagues know, and I doubt that most people know, that they have what are called subrogation clauses in their contracts that mean that if they have been in an accident and they try to recover from a negligent individual, like the person who almost killed Ridler, that their HMO can go after that settlement.

Now, Mr. Speaker, originally subrogation was used for cases in which care was provided to patients who had no health insurance at all, but who might receive a settlement due to somebody else’s negligence. However, HMOs are now even seeking to be reimbursed for care that they have not even paid for.

Susan DeGarmo found out that 10 years ago when her HMO asked for reimbursement on her son’s medical bills. In 1990 her son, Stephen DeGarmos, who was age 10 at that time, was hit by a pickup truck while riding his bike to football practice near his home in West Virginia. That accident left him paralyzed from the waist down. His parents sued the negligent driver; and they collected $750,000 in settlement, plus $200,000 from the underinsured motorist policy. Now, remember, this little boy is paralyzed for the rest of his life.

Well, the Health Plan of Upper Ohio Valley wanted $128,000 in subrogation for Stephen’s bill. It so happens that Stephen’s mother thought that amount was high, so she phoned the hospital in Columbus, Ohio, where Stephen had been treated; and she got an itemized list of the charges.

Well, the Health Plan of Upper Ohio Valley wanted $128,000 in subrogation for Stephen’s bill. It so happens that Stephen’s mother thought that amount was high, so she phoned the hospital in Columbus, Ohio, where Stephen had been treated; and she got an itemized list of the charges.

She found out what she found out infuriated her. The HMO had paid much less than the $128,000 it was now seeking from her son, her paralyzed son’s settlement.

Mrs. DeGarmo had found another dirty little secret of managed care, and that was that HMOs often use subrogation to go after a hospital’s bill even after the fee has already been paid to the hospital for paying patients, even though the HMO gets a discount off the bill charges.

According to DeGarmo’s lawyer, the health plan of Upper Ohio Valley actually paid about $70,000 to treat Steve. That means they were trying to take $50,000 that they had not even paid for from Steve’s settlement. They were going to make money off this little boy who had been paralyzed.

When the DeGarmos refused to pay, get this, the HMO had the gall to sue them.

Well, others found out about this HMO’s action and in 1999 the HMO, that HMO, settled suits for $9 million among roughly 3,000 other patients that they had treated like the DeGarmos.

Now, when HMOs get compensation in excess of their costs, I believe they are depriving victims of funds that those victims need to recover. This subrogation process has even spawned a number of companies that handle collections for a fee. It could be 25 to 33 percent of the settlement. The biggest of these subrogation companies is Louisville, Kentucky-based Health Care Recoveries, Inc. Last year, Health Care Recoveries, Inc., whose biggest customer, not surprisingly is United Health Care, recovered $226 million from its clients and its usual cut was 27 percent.

According to one former claims examiner for HRI, Steve Pope, the company is so intent on maximizing collections that it crosses the line into questionable perhaps.

Take the case of 36-year-old Courtney Ashmore, who had been riding a four-wheeler on a country road near her home by Tupelo, Mississippi. The owner of the bordering land had strung a cable across the road. You guessed it. Courtney ran into it and almost cut off her head.

Her family collected $100,000 from the property owner. Their health plan paid $26,000 for Courtney’s medical care. Steve Pope, the claims examiner for HRI, that Louisville, Kentucky, company, contacted the family’s lawyer and wanted the $26,000.

Well, the lawyer was no dummy. He asked for a copy of the contract showing the subrogation clause. Well, HRI could not find a copy of the contract so Mr. Pope was told by his supervisor at HRI to send out a page from a generic contract that did have a subrogation clause in it, and later Mr. Pope found out that Courtney’s health plan did not, in fact, mention subrogation.

Still he has testified he was told to pursue the money anyway. Let me repeat that. This employee of this company in Louisville, Kentucky, the right-hand man company for United Health Care, was told to go after part
of this little girl’s settlement even though they did not have a subrogation clause in the contract.

Mr. Pope has testified, quote, these practices were so widespread and I just got tired of being told to cheat and steal subrogation.

Mr. Speaker, the notion that subrogation should be prohibited or at least restricted is gaining ground. Twenty-five States have adopted doctrine that injured people get fully compensated before health plans, HMOs, can collect any share of personal injury money.

In March, a Maryland appeals court went even further. It ruled that the State’s HMO act prohibits managed care companies from pursuing subrogation at all. The Court said, quote, an HMO by its definition provides health care services on a prepaid basis. A subscriber has no further obligation beyond his or her fee, unquote.

So what did the Senate GOP bill do to address this problem with subrogation? Did the Senate GOP bill try to make the system more fair for patients? Did it protect those State laws which are being passed to prevent subrogation from HMOs? Oh, Mr. Speaker. The Senate GOP bill goes even further than subrogation in protecting HMOs. It says that the total amount of damages to a patient like Jim Ridler or Steve DeGarmo or Ashley Courtlte could not be reduced by the amount of care costs whether they have a subrogation clause in their contract or not.

In other words, the Senate GOP bill passed a few weeks ago would preclude State laws being passed on subrogation entirely, and over in the Senate they say, oh, we are for States’ rights; we do not want to take away the States rights to regulate insurance? And in their bill they do exactly that.

If that were not enough of a sop to the HMO industry, the Nickels bill says that the reduction in the award would be determined in a pretrial proceeding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (Mr. GREEN of Wisconsin). The Chair will caution the gentleman that it is not in order to characterize Senate action or to otherwise cast reflection on the Senate.

Mr. GANSKE. In talking about other legislation on Capitol Hill, the bill that passed a couple of weeks ago says that the reduction in the award would be determined in a pretrial proceeding and that any evidence regarding this reduction would be inadmissible in a trial between the injured patient and the HMO.

Well, what does that mean? Well, let us say that one is hit by a drunk driver while crossing the street and one’s HMO subsequently refuses to pay for necessary physical therapy even though these are covered services under our contract.

So one files two separate lawsuits, one against the drunk driver in the State court and the other against the HMO in the Federal court because the HMO is not treating one fairly.

Let us say the civil case against the drunk driver is delayed because criminal charges are prevailing against him. If the Federal case, the one against the HMO, proceeds to trial under the bill that passed a couple of weeks ago, the Federal judge would have to guess how much a State jury would award one, and the Federal judge would have no way of knowing what one actually could collect.

This collateral source damages rule would leave patients uncompensated for very real injuries. For example, if one is injured in a car accident by another driver who has a $50,000 insurance policy but one has medical costs of $100,000 that one’s HMO refuses to cover, when one goes to collect the $50,000 from the negligent driver they might get nothing. Why? Because whether one has been injured or broken legs or one’s loved one is dead, one gets nothing because under the bill that passed a couple of weeks ago the HMO gets to collect all $50,000, even though it denied one necessary medical care for their injuries and one does not get a penny.

Mr. Speaker, bills that have passed in the other body that value the financial well-being of HMOs more than the values and well-being of the patient do not deserve the name “patient protection.”

We passed a strong bill in this House. That is what we should be working on. We can do better than what has been done recently. The voters are watching.

Now, Mr. Speaker, the Congressional leadership is trying to limit damages by putting $300,000 caps on awards. Many times I have stood on this floor and talked about a mother, for instance, who has been mistreated by her HMO and lost her life. I want to ask, is that mother’s life worth $350,000? How many times have I stood on this floor talking about a little boy in Atlanta, Georgia, whose HMO was responsible for his losing both of his hands and both of his feet, the rest of his life, no hands, no feet? And they want to put a cap of $250,000 on that? That little boy, when he grows up and gets married, will never be able to touch the face of the woman that he loves with his hand.

I am sorry, Mr. Speaker, but that is a travesty. People who put those kinds of provisions in bills that deal with patient protection should be ashamed of themselves.

THE RESULTS OF TOBACCO, A TOUGH PRICE TO PAY

Mr. GANSKE. Now, Mr. Speaker, I want to move on to another topic, a number one public health problem. I think that HMO patient protection is very important, but the reason that this House is out tonight is because we are talking the Congressional baseball game. I think that is a good thing, a little bit of bipartisanship, have a nice competition, but I will say what is going on on that baseball field right now. There are colleagues of ours that are chewing tobacco, and they are spitting that tobacco out there and there are a bunch of little kids that are in that audience and they are looking at dad out there chewing and spitting that tobacco. I am thinking, boy, that is kind of a neat thing.

There are over 1 million high school boys in this country who chew tobacco. They probably watch some of the baseball stars do it. They certainly have not been able to do it by the tobacco companies.

Before I came to Congress, I was a reconstructive surgeon and I can say about some of the patients that I took care of who chewed that tobacco, who ended up with cancer of their gums and cancer of their jaw and I had to remove their lower jaws, and they ended up like Andy Gump, cannot talk right, if at all. They end up breathing through a hole in their windpipe and faces stiff enough to pay for watching somebody chewing tobacco that one respects.

Mr. Speaker, more than 400,000 people die prematurely each year from diseases attributable to tobacco use in the United States alone. Today is the Grim Reaper. More people die each year from tobacco use in this country than die from AIDS, automobile accidents, homicides, suicides, fires, alcohol and illegal drugs combined.

More people in this country die in one year from tobacco than all the soldiers killed in all of the wars that this country has fought.

Treatment of these diseases will continue to drain over $900 million from the Medicare Trust Fund. The VA spends more than one half billion dollars annually on inpatient care of smoking-related diseases, but these victims of nicotine addiction are statistics that have names and faces.

Mr. Speaker, about a month or two ago I was talking to a vascular surgeon who is a friend of mine in Des Moines, Iowa. He looked pretty tired. I said, "Bob, you must be working pretty hard these days."

He said, "Greg, yesterday I went to the operating room at about 7:00 in the morning. I operated on three patients. I finished up about midnight and every one of those patients I had to operate on to save their legs."

I said, "Were they smokers, Bob?"

He said, "You bet. And the last one that I operated on was a 38-year-old woman who would have lost her leg to arteriosclerosis caused by heavy tobacco use."

I said, "Bob, what do you tell those people?"

He said, "Greg, I talk to every patient, every peripheral vascular patient that I have, and I try to get them to stop smoking. I ask them a question, I say, if there were a drug available on the market that they could buy that would help save their legs, that would help prevent them from having coronary artery disease, that would significantly decrease their chances of having lung cancer or losing their larynx, would they buy that drug?"
I say to my colleagues, it is sadly because of that addictive nature of the drug nicotine that is in tobacco. The addictiveness of tobacco has become public knowledge in recent years as a result of painstaking scientific research that demonstrates that nicotine is almost as addictive as cocaine, heroin, and morphine. In fact, Mr. Speaker, there is a higher percentage of addiction among tobacco users than among users of cocaine or heroin; and recent tobacco industry deliberation show that very well.

Mr. Speaker, my mom and dad were both heavy smokers, and they are only alive today because coronary artery bypass surgery saved their lives; and they have finally stopped smoking. I will never forget some patients that I took care of in the VA hospital. They had a disease called thromboangiitis obliterans.

Now, I have talked about this on the floor a couple of times in the past, and we got some phone calls from constituents. They said, what are you talking about? Have you heard of that disease? Well, this is a disease that really happens, and I really took care of this patient I am about to describe. Basically, these people are addicted to tobacco, in a sort of an allergic reaction to the small vessels in their fingers, in their hands, and in their feet, and those vessels clot off, they thrombose, and they start to lose one finger after another.

I remember taking care of one patient who had lost both lower legs, he had lost all of the fingers in one hand, and he only had one finger left on his right hand, all due to that disease caused by his tobacco addiction. Did my colleagues know what he had done? He had a little wire loop made that he could put one loop over his one remaining finger and then a nurse or somebody, a friend, could stick a cigarette in the loop at the other end of that wire and then he could smoke. He knew that he could stop that disease from progressing and taking his fingers and his hand and his feet if he would just stop smoking.

Mr. Speaker, he could not. Tobacco is one of the most addicting substances that we know of, nicotine and tobacco, we know that. It is as addicting as cocaine; it is as addicting as morphine and heroin.

Statistics show the magnitude of this problem. Over a recent 8-year period, tobacco use by children increased 30 percent. More than 3 million American children and teenagers now smoke cigarettes. There are 3,000 kids in this country starting smoking. Each day. And 1,000 of those kids will die of a disease related to smoking by the age of 65.

So why did it take a life-threatening heart attack to get my folks to quit smoking? I nagged at them all the time. It took that near-death experience to get them to quit. Why would my patients with that one finger not quit smoking? Why do fewer than one in seven adolescents quit smoking, even though 70 percent regret starting?

Tobacco industry scientists were well aware of the effect of PH on absorption and on the physiological response. In 1984, RJR reported, "Since unbound nicotine is much more active physiologically and much faster acting than bound nicotine, the smoke in PH seems to be stronger in nicotine." Therefore, the amount of free nicotine in smoke may be used for at least a partial explanation of the physiological strength of the cigarette.

Indeed, Mr. Speaker, Philip Morris commenced the use of ammonia in their Marlboro brand in the 1960s in order to raise the PH of its cigarettes, and it subsequently emerged as the leading brand.

So, by reverse engineering, the other manufacturers caught on to Philip Morris's nicotine manipulation, and they copied it. The tobacco industry had in fact acknowledged that nicotine is an addicting drug for a long time, even though they privately called cigarettes "nicotine delivery devices."

Claude E. Teague, assistant director of research at RJR said in a 1972 memo, "It is possible that the tobacco industry may be thought of as being a specialized, highly ritualized and stylized segment of the pharmaceutical industry. Tobacco products uniquely contain and deliver nicotine, a potent drug with a variety of physiologic effects. Thus, a tobacco product is, in essence, a vehicle for the delivery of nicotine designed to deliver the nicotine in a generally acceptable and attractive form. Our industry is then based upon the design, manufacture, and sale of attractive forms of nicotine."

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER.)

Mr. DREIER. Mr. Speaker, I would like to thank the gentleman for allowing me this time to congratulate him on his effort. While our Republican colleagues are at this point out working on a stunning victory over our Democratic colleagues on the baseball field, the Committee on Rules is hard at work; and I know my friend from Iowa is working hard too, and I thank him.

Mr. GANSEK. Mr. Speaker, I have a bill before Congress that would basically allow the FDA to prevent the tobacco companies from marketing to and targeting children. It is not a tax increase bill, it is not a prohibition bill, it simply addresses the Supreme Court's decision which says, Congress must give the FDA authority for the tobacco companies from marketing and targeting kids. We have 95 bipartisan cosponsors on that bill.

Mr. Speaker, I want to continue on another subject, because I came across an article in the July 31 issue of Newsweek magazine, and it is entitled "Big Tobacco's Next Legal War." I wanted to bring this to the attention of my constituents, and I am willing to take the time to do it.
MCCAIN had his tobacco bill out-
bacco a couple years ago when Senator
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kids from smoking.''

Well, since that testimony, it turns out
that it was the tobacco companies who
were involved in the smuggling. This is
an amazing story. I would high-
ly recommend it to my colleagues. It is
called "Tobacco's Next War," News-
week magazine, July 31. I just need to
read a few of the excerpts from this ar-
ticle.

This is a quote from the article: "For
cigarette salesman Leslie Thompson,
1993 was an especially good year. A star
employee with Northern Brands Inter-
national, a tiny 4-person export outfit
owned by the tobacco giant RJR Na-
bisco, Thompson sold an astonishing 8
billion cigarettes that year, reaping
about $60 million in profits. Walking
the company's halls, Thompson re-
cieved a standing ovation from RJR ex-
ecutives who had gotten hefty bonuses
as a result of his work. On his wrist
he flashed a Rolex, a gift from grateful
wholesalers."

"These days, Thompson's name is no
longer greeted with applause in the to-
bacco industry. He and other former
executives are soon to be quizzed by
Federal prosecutors about the shady
legal activities, i.e., look at what hap-
pened in Canada.

"Thompson was not on a lark of his
own. He was going to get the 6-year term in
jail while his superiors who knew about
the smuggling case.

In the United States, Thompson is
expected to be an important witness in
the Grand Jury proceedings. In Feb-
ruary, he began serving a 6-year sen-
tence in Federal prison after pleading
guilty to money laundering related to
the smuggling case.

American and Canadian prosecutors
charged that Thompson racked up his
impressive sales numbers through his
involvement with smugglers who
shipped billions of R J R cigarettes into
Canada. On the books, everything
looked legitimate. But once over the
border, the cigarettes were passed on
to black marketers, evading high Cana-
dian taxes.

Investigators believe this soft-spoken
52-year-old family man was merely a
bit player in the global smuggling
scene. Before his sentencing and in
press interviews before he went to pris-
on, he said he operated with the knowl-
dge and encouragement of his superi-
ors.

His case has given prosecutors a road
map of how the underground trade
works. His company MBI was located
inside R J R Reynolds' Winston Salem,
North Carolina headquarters. To the
public Thompson's job was to sell Ex-
port A's, a leading Reynolds brand in
Canada. But the Canadian government
chargedsomething more than a
shell company that supplied smugglers
with cigarettes.

According to court documents and
Thompson's own testimony, Thompson
shipped millions of cartons of Export
A's from Canada and Puerto Rico to
the United States where virtually no
one smokes them. The crates were then
diverted to a Mohawk reservation in
New York state, 35 percent."

In 1994, Canadian politicians were so
impressed by Northern Brands' success
that they passed legislation modeled
after what passed the House.

Mr. Speaker, I have talked briefly to-
night about patient protection legisla-
tion, something we need to get done be-
fore we recess, a piece of legislation
which most foreign-made ciga-
rettes are illegal.

Anti-smoking activists say that gen-
eral trade is industry jargon for smugg-
gled cigarettes. Another BAT docu-
ment they focus on suggests that the
company has closed smuggling groups they say indicates that
the company went out of its way to bill
market share by encouraging smug-
gling.

Those pages, pulled from vast
archives, suggest that the company was a
man of the Committee on Commerce
on which I sit, we have ample evidence
that the tobacco company had been
smuggling cigarettes and breaking the
law. It is time for the oversight com-
mittee of the Committee on Commerce
to hold a full-scale investigation into
this corrupt practice, another example
of how tobacco companies have not
really shot straight with the American
citizen where most foreign-made ciga-
rettes are illegal.

Unfortunately, the Speaker of this
House decided not to appoint to the
conference committee the two Republicans, the gentleman from Georgia (Mr. Norwood) and myself, who wrote the bill that passed this House with 275 votes, thus precluding our efforts to try to achieve a compromise to get a strong piece of legislation passed. But we are still available, and we are still working.

I actually am optimistic about the chances of getting true patient protection legislation passed because, as I look at the vote in the Senate, I think we now have 50 supporters plus for the bill that passed this House. I expect that, when that bill comes up again in the Senate after the August recess, we very well may see that the bill that passed the House with 275 votes also passes the Senate, and I am sure the President will sign that.

On the matter of tobacco, I see very little movement in the House even though the gentleman from Michigan (Mr. Dingell) and I have 95 cosponsors for a bill that would simply allow the FDA the authority to regulate an addicting substance, as I said, not to increase taxes and not to prohibit the substance, but to make sure that those tobacco companies which have marketed and targeted kids 14 and younger cannot get away with that in the future.

Well, I remain optimistic that, as we continue to work on these issues, we will make progress. I sincerely thank all of my colleagues from both sides of the aisle who have shown so much interest in actually achieving true and real reform legislation in both of these areas.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. DREIER (during the Special Order of Mr. Ganske), from the Committee on Rules, submitted a privileged report (Rept. No. 106-795) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increases on Social Security benefits, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore (Mr. Green of Wisconsin). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 39 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1997. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule —Food Stamp Program: Recipient Claim Establishment and Collection Standards (RIN 0584-AB88) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


1999. A letter from the President of the Low Income Home Energy Assistance Program of the Department of Health and Human Services, No. 106-274; to the Committee on Appropriations and ordered to be printed.

H7090

CONGRESSIONAL RECORD—HOUSE

July 26, 2000

LEGALISATIVE PROGRAM

Mr. DREIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of explaining the schedule for the rest of the evening and tomorrow.

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

There was no objection.

Mr. DREIER. Mr. Speaker, it is our intention to have the House recess until 7 a.m. tomorrow, at which time we hope to file H.R. 4516, the Legislative Branch Appropriations bill conference report; and the Committee on Rules hopes to meet at 8:30 a.m., at which time we will consider the rules on both the Legislative Branch conference report for H.R. 4516; the adjournment resolution; and the Child Support Distribution Act, H.R. 4678. At that time, the House, after the filing of those rules, would adjourn, and the House would then convene at 10 a.m. tomorrow and we would consider the bills that I have just mentioned, the 3 measures that I have just mentioned, as well as continue work on the District of Columbia Appropriations bill and H.R. 4865, the Social Security Benefits Tax Relief Act.

Mr. Speaker, that is my intention at this point.

RECESS

Mr. DREIER. Mr. Speaker, I move that the House recess until 7 a.m. tomorrow, July 27, 2000.

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 7 a.m. tomorrow, July 27, 2000.

Accordingly (at 11 o'clock and 30 minutes p.m.), the House stood in recess until 7 a.m. on Thursday, July 27, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1997. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule —Food Stamp Program: Recipient Claim Establishment and Collection Standards (RIN 0584-AB88) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


1999. A letter from the President of the Low Income Home Energy Assistance Program of the Department of Health and Human Services, No. 106-274; to the Committee on Appropriations and ordered to be printed.

1997. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Air Force, Department of Defense, transmitting notification that the Committee on Appropriations and the Appropriations Committee of the United States Minor Territory of Guam, has conducted a cost comparison to reduce the cost of the Supply and Transportation function, pursuant to 10 U.S.C. 2401; to the Committee on Appropriations.

1997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the Secretary of State, the Annual Report on Panama Canal Treaties, Fiscal Year 1999, pursuant to 22 U.S.C. 3871; to the Committee on Armed Services.


1998. A letter from the Assistant Secretary for Domestic Finance, Department of the Treasury, transmitting the 1999 Annual Report of the Resolution Funding Corporation; transmitting pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.


1998. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Effective Alternative Strategies: Grant Competition to Reduce Student Suspensions and Expulsions and Ensure Educational Progress of Students who are Suspended or Expelled—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1998. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Federal Activities Middle School Drug Prevention and School Safety Program Coordinators Grants—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.


1999. A letter from the Assistant General Counsel for Regulatory Law, Office of the Environment, Safety & Health, Department
of Energy, transmitting the Department's final rule—Guidelines for Preparing Criticality Safety Evaluations at Department of Energy Non-Reactor Nuclear Facilities [DOE Intergovernmental Personnel Act (IPA) Agreement] (Transmittal No. 05±00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9401. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 088±00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9411. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles and defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 36±00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

9412. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Reexports of Foreign Registered Aircraft Subject to the Export Administration Regulations [RIN: 0940±A001] (Transmittal No. 07±00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9413. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General for the fiscal year ending September 30, 1999, pursuant to 5 U.S.C. 705(d); to the Committee on Government Reform.

9414. A letter from the Secretary of Commerce, transmitting the report of the activities of the Office of Inspector General for the period September 1, 1999 through March 31, 2000, pursuant to 5 U.S.C. 705(d); to the Committee on Government Reform.

9415. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1999, through March 31, 2000, pursuant to 5 U.S.C. 705(d); to the Committee on Government Reform.


9418. A letter from the Inspector General, General Services Administration, transmitting the Audit Report Register, including all financial recommendations, for the period ending March 31, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

9419. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978 (Transmittal No. 00±00), pursuant to 31 U.S.C. 3522±3524; to the Committee on Government Reform.

9420. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the Federal Acquisition Regulation (FAR) to implement the Sections 411±417 of the Small Business Reauthorization Act of 1997 (RIN: 0102±A155) (Transmittal No. 06±00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.
Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 00211000-0900-01; D 074400] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4922. A letter from the Acting Executive Director of the Central States Teamsters Transportation Commission, transmitting the Commission's final rule—Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-A959) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4923. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a report on an experimental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizona; to the Committee on Transportation and Infrastructure.

4924. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's Final rule—Exemption of SBIR/STTR Phase II Contracts from Interm Past Performance Evaluations Under Certain Contracts [received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A)]; to the Committee on Science.

4925. A letter from the Associate Administrator for National Aeronautics and Space Administration, transmitting the Administration's final rule—Revises the Final Reports under NASA Research and Development Contracts [received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A)]; to the Committee on Science.

4926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: Motor Vehicle Industry Service Technician Tool Reimbursements [UIL 62.15-00] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest Rate Update [Notice 2000-40] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


4929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: All Industries Lease Stripping Transactions [UIL 9296.00-00-00] received July 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


4931. A letter from the Board Members of the Railroad Retirement Board, transmitting the 2000 annual report on the financial status of the railroad unemployment insurance system, pursuant to 5 U.S.C. 636(e) jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 4573, the Small Business Investment Act of 1998 to direct the Administrator of the Small Business Administration to establish a New Market Venture Capital Program; [Rept. 106-785]. Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 26, 2000]

Mr. ARCHER: Committee on Ways and Means. H.R. 4628. A bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries; with an amendment (Rept. 106-777 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 4644. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to enhance the collection of child support, to promote marriage, and for other purposes; with an amendment (Rept. 106-793 Pt. 1). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. SENSIO: Rules. House Resolution 564. Resolution providing for consideration of the bill (H.R. 4885) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits (Rept. 106-795). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Judiciary and Education and the Workforce discharged. H.R. 4678 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION ON REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4678. Referral to the Committees on the Judiciary and Education and the Workforce extended for a period ending not later than July 26, 2000.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

483. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 115 memorializing the Congress of the United States to enact House Concurrent Resolution No. 407, requesting that additional resources are provided to the Department of Homeland Security to strengthen port security and the Coast Guard, and authorizing the utilization of its oil and gas resources; to the Committee on Resources.

438. Also, a memorial of the Legislature of the State of Alaska, relative to SCSenate Joint Resolution No. 4 commemorating the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible oil and gas exploration, production, and development for the production of its oil and gas resources; to the Committee on Resources.

457. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to fully fund the Ricky Ray Hemophilia Relief Fund Act of 1988; to the Committee on the Judiciary.

436. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 27 memorializing Congress to propose an amendment to the Constitution of the United States to create federal courts instructing states or political subdivisions of states to levy or increase taxes; to the Committee on the Judiciary.

435. Also, a memorial of the Legislature of the State of Alaska, relative to CSSenate Joint Resolution No. 48 L.R. No. 40 memorializing the United States Congress to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to exempt from the requirements of sec. 110 of that Act Canadian citizens who enter at land border crossing stations along the border between the United States and Canada; and further requesting that additional resources are provided to adequately facilitate the free flow of people and the fair trade of goods and services across the border between the United States and Canada; to the Committee on the Judiciary.

440. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 58 memorializing the President and the Congress of the United States to enact H.R. 271 of 1999, the Justice for Holocaust Survivors Act, which would permit U.S. citizens who are victims of the Holocaust, whether or not they were U.S. citizens during World War II, to sue the Federal Republic of Germany for compensation in U.S. courts of law; to the Committee on the Judiciary.

441. Also, a memorial of General Assembly of the State of New Jersey, relative to Assembly Resolution No. 148 memorializing Congress to enact H.R. 2456, The Marriage Tax Elimination Act; to the Committee on Ways and Means.

442. Also, a memorial of the House of Representatives of the State of New Jersey, relative to House Concurrent Resolution No. 27 memorializing the Congress of the United States to maintain its commitment to America's retirees by providing lifetime health care for military retirees over the age of sixty-five; to enact comprehensive legislation that affords military retirees the ability to access health care either through military treatment facilities or through the military's network of health care providers, as well as through the Federal Employees Health Benefits Program to those eligible for Medicare; jointly to the House of the Whole House on the State of the Union, and ordered to be printed.
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443. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 308 memorializing the President, the United States Congress and the Surgeon General to establish a small National Public Health Service Hospital on Guam to provide free health care to medically indigent patients on Guam because of Federal law; to provide additional doctors and nurses through the National Public Health Service for the purpose of caring for medically indigent patients; or to appropriate four million dollars annually to the Guam Memorial Hospital to defray costs; jointly to the Committees on Ways and Means and Commerce.

444. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 133 memorializing the Congress of the United States to provide adequate funding for Michigan's remedial action plans for areas of concern under the Great Lakes Water Quality Agreement; jointly to the Committees on Transportation and Infrastructure and Commerce.

445. Also, a memorial of the Senate of the State of Michigan, relative to Senate Joint Resolution No. 153 memorializing the Congress of the United States to enact legislation to remove the time limit for Medicare coverage for immunosuppressive drugs; jointly to the Committees on Ways and Means and Commerce.

446. Also, a memorial of the Senate of the State of Michigan, relative to Senate Joint Resolution No. 153 memorializing the Congress of the United States to enact legislation to remove the time limit for Medicare coverage for immunosuppressive drugs; jointly to the Committees on Ways and Means and Commerce.

447. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 22 memorializing Congress to instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and further urging the President of the United States and Congress to act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; jointly to the Committees on Ways and Means and Commerce.

448. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 22 memorializing Congress to instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and further urging the President of the United States and Congress to act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; jointly to the Committees on Ways and Means and Commerce.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

99. The SPEAKER presented a petition of Essex County Board of Supervisors, Essex, NY, relative to Resolution No. 100 supporting the Heritage Corridor-Champlain Valley Economic Initiative; to the Committee on Resources.

100. Also, a petition of City of Detroit City Council, Detroit, MI, relative to a Resolution in support of reparations to descendants of African/African American Slaves and petitioning the United States Congress to convene hearings on the issue of reparations, in support of legislation to authorize such reparations; to the Committee on the Judiciary.

101. Also, a petition of City of Detroit City Council, Detroit, Michigan, relative to a Resolution supporting the Stebenow Bill, H.R. 3144, and urges its immediate passage; to the Committee on the Judiciary.

102. Also, a petition of City of Kaktovik, Office of the Mayor, relative to Resolution No. 00-04 petitioning the United States Congress to support the Conservation and Reinvestment act of 1999: H.R. 701 and S. 2123; jointly to the Committees on Resources, Agriculture, and the Budget.

NOTICE

The House is in Recess.
The balance of today's proceedings will be continued in the next issue.
The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Rev. Lloyd John Ogilvie, offered the following prayer:

Almighty God, take charge of the control centers of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance. Take charge of our tongues so that we may speak truth with clarity, without rancor or anger. May our debates be efforts to reach agreement rather than simply to win arguments. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

Help us to catch the drumbeat of Your direction and march to the cadence of Your guidance. Here are our lives. Inspire them with Your calming Spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity into our diversity. In our Lord's name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, Senator ALLARD, is recognized.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business until 10:15 a.m. with Senators DURBIN and COLLINS in control of the time. Following morning business, the Senate will proceed to a cloture vote on the motion to proceed to the Treasury and general government appropriations bill. If cloture is invoked, the Senate will begin 30 hours of postcloture debate. If cloture is not invoked, the Senate will proceed to a second vote on the motion to proceed to the intelligence authorization bill. Again, if cloture is invoked on the motion, postcloture debate will begin immediately.

As a reminder, on Thursday the morning hour has been set aside for those Senators who wish to make their final statements in remembrance of the life of our former friend and colleague, Senator Paul Coverdell. At the expiration of that time, a vote on the motion to proceed to the energy and water appropriations bill will occur.

I thank my colleagues for their attention. I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for debate only, except for a motion to proceed made by the majority leader or his designee and the filing of a cloture motion thereon. Senators will be permitted to speak therein for 15 minutes each. Under the previous order, there should be 20 minutes under the control of the Senator from Illinois, Mr. DURBIN, or his designee, and under the previous order there should be 20 minutes under the control of the Senator from Maine, Ms. COLLINS, or her designee.

The Senator from Illinois.

LEGISLATIVE PRIORITIES

Mr. DURBIN. Mr. President, I am certain those who were observing the Senate Chamber yesterday and perhaps the day before are curious as to why absolutely nothing is happening. It reflects the fact that there is no agreement between the parties as to how to proceed on the business of the Senate, particularly on the appropriations bills.

At this moment in time negotiations are underway, and hopefully they will be completed successfully very soon. At issue is the number of amendments to be offered, the time for the debate, and some tangential but very important issues such as the consideration of appointments of Federal district court judges across America to fill vacancies. These judgeships have been a source of great controversy in recent times because there is a clear difference of opinion between Democrats and Republicans about how many judges should be appointed this year.

Of course, the Republicans in control of the Senate are hopeful that their candidate for President will prevail in November and that all of the vacancies can then be filled by a Republican President. That is understandable. The Democrats, on the other hand, in the minority in the Senate, have a President who has the authority to appoint these judges and wants to exercise that authority.

Mr. President, if you call the roll, the legislative clerk will first announce the names of the Senators who have been appointed judges to the court of appeals. There are many judgeships which have been left unfilled.

Mr. ALLARD. Mr. President, I want the Sergeant at Arms to be instructed to stand in the door and tell all Senators that there are judgeships which have not been filled.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Sergeant at Arms be instructed to stand in the door and tell all Senators that there are judgeships which have not been filled.

Mr. PRESIDENT. Without objection, it is so ordered.

The Sergeant at Arms is directed to stand in the door and tell all Senators that there are judgeships which have not been filled.

Mr. DURBIN. Mr. President, I ask unanimous consent that the Sergeant at Arms be instructed to stand in the door and tell all Senators that there are judgeships which have not been filled.

Mr. PRESIDENT. Without objection, it is so ordered.

The Sergeant at Arms is directed to stand in the door and tell all Senators that there are judgeships which have not been filled.
authority in this closing year. Therein lies the clash in confrontation.

Historically, the last time the tables were turned and there was a Republican President and a Democratic Senate, President Ronald Reagan had 60 Federal district court judges appointed in the election year. In fact, there were hearings on some of them as late as September of that year. This year, we have had about 30 appointed and we have many more vacancies, many more pending. We have had, on the Democratic side, these will be filled. Those on the Republican side are adamant that they do not want to bring them up. I hope they will reconsider that and at least give Democrats the same consideration we offered President Reagan when he faced a Democratic Senate with many Federal district court vacancies.

The other item of business which consumed our attention over the last week or two related to tax relief. It is an interesting issue and one that many Members like to take back home and discuss; certainly most American families, regardless of whether they are rich or poor, desire some reduction in their tax burden.

The difference of opinion between the Democrats and Republicans on this issue is very stark. There is a consideration on the Republican side that tax relief should go to those who pay the most. Of course, those who pay the most in fact, the wealthiest in this country. We have a progressive tax system. We have had it for a long time. We believe if one is fortunate enough to be successful, those taxpayers owe something back to this country. Those who are more successful owe more back to this country. You can’t take blood from a turnip; you can’t put a high tax rate on a person with a low income. But you can certainly say to a successful person: We ought to help maintain this great Nation which has given you, your family, and your business such a wonderful opportunity.

The Republican program from the start, as long as I have served in Congress, has always been to reduce the tax burden on those who are the wealthiest in this country. I happen to believe the tables should be turned and we should taxation towards those who are in the lower income groups and middle-income families who are struggling to make ends meet should be the ones most deserving of tax relief. That is a difference in philosophy, a difference between the parties, and is reflected very clearly in the debate we have had over the last 2 weeks.

This is a chart which I have been bringing to the floor on a regular basis. Some House Republicans told me this morning they are tired of seeing my chart. They are going to have to get a little more exhausted because I am going to produce it again today. This chart outlines what happens with the Republican tax plans, with their idea of tax cuts.

In the area of the estate tax, a tax is imposed on less than 2 percent of the American population. Of 2.3 million people who die each year, only 40,000 are liable for estate tax. At the estate tax, it is a little reserved for those who really have large estates that they have accumulated during a lifetime. There are exemptions that people can write off when it comes to the estate tax liability, and those exemptions are growing, as well as the cost of living increases.

By and large, the Republicans have proposed to do away with the tax completely, so the very wealthiest of Americans who pay this tax would receive the tax relief.

What does it mean? On the Republican plan, if you happen to be a person making over $300,000 a year in income—my calculations are correct, that is about $25,000 a month in income—the Republicans have suggested you need an annual tax cut of $23,000 as a result of their elimination of the estate tax. That boils down to close to $2,000 a month, for those making $25,000 a month, that the Republicans would send your way when it comes to tax relief.

Most American income categories are people making between $40,000 and $65,000 a year. Under the Republican plan, if you happen to be with the vast majority of Americans paying taxes, you aren’t going to notice this tax relief; $200 a year is what the Republicans offer to you. That comes down to $16 a month they are going to send your way. If you are in the highest income categories, you receive $2,000 a month: if you happen to be with the vast majority of Americans, you receive $16 a month.

That is the Republican view of the world. That is the Republican view of tax relief. If you happen to be a person, for goodness’ sake, let’s help the wealthy feel their pain, understand the anxiety they must face in making investments, in choosing locations for new vacation homes, and give them some tax relief.

The fact is that 80 percent of Americans are making under $100,000 a year and under $50,000 a year. In those two categories of people under $100,000 a year and under $50,000 a year, we find the vast majority of American families, the overwhelming majority, and the people who will not benefit from the idea of tax relief proposed by the Republicans on the floor. They suggest to all American families they have in mind when it comes to tax relief. The facts tell a different story:

Look at what we have suggested instead. The Democrats think we have to be much more responsible in spending this Nation’s surplus or investing. It wasn’t that long ago we were deep in deficit with a national debt that accumulated to almost $6 trillion. Now we are at a point where we have a strong economy, families are doing better, businesses are doing better, people are making more money, and the tax revenue coming in as a result is what we are debating. We have gone from the days of the Reagan-Bush deficits to a new era where we are talking about a surplus and what we will do with it.

People who are younger in America should pay attention to this debate. If you are a young person in America, we are about to give you a very great nation. Our generation hopes to hand over as good a country as we found, perhaps even better; but we are also going to hand over to you a very great debt of $6 trillion. That debt we have to pay interest on. It is like a mortgage. You say to your children and grandchildren: Welcome to America, welcome to this land of opportunity, here’s the debt you will have to pay.

In the late 1980s and 1990s in America, the political leadership in this country accumulated a massive debt, starting with the election of President Reagan, then with President Bush, and for the first five years of President Clinton we continued to see this debt grow. We have turned the corner. Under the Clinton-Gore leadership, under the votes that have been cast by Democrats in Congress, we now have a stronger economy.

People have a right to ask, What are we going to do with the surplus? The Republican answer is: Tax cuts for wealthy people. The Democratic answer is much different: First, pay down the national debt. We can’t guarantee the surplus will be here in a year, 2 years, or 10 years. If it is here, shouldn’t it be our highest priority? Let’s wipe off the debt of this country as best we can, reduce the burden on our children, invest in Social Security and in Medicare.

This is not a wild-eyed idea. It is what Alan Greenspan of the Federal Reserve recommends. It is what major economists recommend. But you cannot sell it on the Republican side of the aisle. They think, instead, we should give tax cuts to the wealthy.

We think we should bring down the national debt and invest in Social Security and Medicare. If we are to have tax cuts, let us target these tax cuts to people who really need them, not the folks making over $300,000 a year. They are going to do quite well. They are going to have nice homes on islands off the coast of Maine. They are going to have places in Florida and California. They are going to have a very comfortable life.

But what about the people who live in Maine? What about the people who live in Portland, ME? What about those who live in Philadelphia, PA? I would like to take to them this proposal, not to eliminate taxes on those making
over $300,000 a year but to say to working families and middle-income families: Here are targeted tax cuts that you can use, that will help your life. Let’s provide for a marriage tax penalty elimination for working families. Let’s expand educational opportunities by making Social Security taxes deductible. Think about your concern of sending your son or daughter through college and the increasing cost of a college education. For a family who is struggling to try to make ends meet and to give their children the best opportunity to be able to deduct those college education expenses means an awful lot more to them than the comfort in knowing that Donald Trump does not have to pay estate taxes under the Republican proposal.

That is the difference in our view of the world. The Republicans feel the pain of Donald Trump, that he might have to pay these estate taxes. We believe that families across America face a lot more anxiety and pain over how to pay for college education expenses. We had a vote on the floor here, up or down, take your pick: Estate tax relief for Donald Trump or college deductions for the families working across America. And the Republicans would not support the idea of college education expense deductions.

Let’s talk about caring for elderly parents. Baby boomers understand this. Everyone understands this. As your parents they need our help. You are doing your best. I cannot tell you how many of my friends this affects. I am in that generation of baby boomers—slightly older, I might add—but in a generation where a frequent topic of conversation for my age group is how are your mom and dad doing? The stories come back, and some of them are heartbreaking, about Parkinson’s and Alzheimer’s and complications with diabetes that lead to amputations and people finally having to make the decision about their parents to consider living in a place where they can receive some assistance.

It is expensive. We, on the Democratic side, believe that helping to pay for those expenses the families endure because of aging parents is a good tax cut, one that is good for this country and good for the families. Not so on the Republican side. When we offered this, they voted against it. They would rather give estate tax relief to the wealthiest people.

How about child care? Everybody who got up this morning in America and headed to work and left a small child with a neighbor or at a day-care center understands that this is a huge hang-up at your mind constantly during the day. Is my child in safe hands? Is this a quality and positive environment for my child to be in? How much does it cost? Can we afford it? Can we do a little better?

We, on the Democratic side, think we ought to help these families. They are working families who should have peace of mind. Senator Dodd offered an amendment that proposed tax credits, not only for day care, but also tax credits for stay-at-home moms who decide they are going to forgo working, to stay with the children and try to raise them. We want to help in both of these circumstances. We think those are the real problems facing America. The Republicans instead believe that estate tax relief for the superrich is much more important.

Expand the estate income tax credit for the working poor, help families save for retirement, provide estate tax relief—particularly to make sure that a family-owned farm or a family-owned business can be passed on to the next generation. I think the estate tax needs reform. We support that. We voted for it. But we think the Republican proposal goes way too far in proposing we abolish it.

I see my time is coming to a close. We think the agenda before this Congress is the agenda of missed opportunities. The Republicans are in control in the House and Senate. They decide what will be considered on the floor, if anything. They have failed to bring forward commonsense gun safety legislation after Columbine, to try to get guns out of the hands of kids and criminals. We passed it in the Senate with AL Gore’s vote, sent it to the House—the gun lobby killed it. We lose 30,000 Americans every year to gun violence. And it is a single day. For the Republicans, it is not a priority to bring this bill forward.

The Patients’ Bill of Rights, so your doctor can make the call on your medical treatment or your family’s medical treatment—most people think that is common sense. The insurance companies do not. They want their clerks to make the decision based on the bottom line of profit and loss. It is not a medical decision for them, it is a financial decision for the insurance companies. It is disastous when they cannot get the appropriate care for their kids and their families. We think a Patients’ Bill of Rights makes sense. The insurance lobby opposed it. The insurance lobby prevailed. The special interest groups won on the floor and we have gone nowhere with this proposal.

Minimum wage: $5.15 an hour for a minimum wage that affects some 10 million workers across America. It is not a priority to raise those folks deserve to do better. It used to be bipartisan. We didn’t even argue about it. Now the Republicans say: No, no no, we can’t give a 50-cent-an-hour pay raise to people making $5.15 an hour. Do you realize that 50 cents an hour comes out to, what, $1,000 a year that we will give these people?

Yet we are going to turn around and give Donald Trump a $400 million tax break on his estate? You cannot give working families a thousand bucks a year, but you can give the one of the superrich $400 million tax relief? Is something upside-down in this Chamber? I think so.

Take a look at the prescription drug benefit. Ask Americans—Democrats, Republicans, and Independents—the one thing we ought to do this year? A guaranteed universal prescription drug benefit under Medicare. The pharmaceutical companies oppose it. They are the powerful characters in this town. They have stopped this Senate and this House from considering it. Here we are, languishing, doing nothing, when it comes to a prescription drug benefit for something for our schools. Seven million kids in America attend schools with serious safety code violations; 25,000 schools across our country are falling down. Are we going to be ready for the 21st century? Will our kids be ready? Will our workforce be ready? You can answer that question by deciding at this point in time whether education is truly a priority and, if it is such a priority, then for goodness’ sakes we should invest more in the Public–Private Partnership in K–12 education. That is what we invest. The Democrats, under the leadership of Senator KENNEDY, believe that investment is overdue. We think that is what families in America are looking for, not for tax relief for the wealthiest among us.

I yield the floor.

The PRESIDING OFFICER. The Senator’s time has expired. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

The PRESIDING OFFICER. Mr. L. CHAFEE, the Senate majority leader.

Mr. LOTT. Mr. President, I thank the Senator from Maine for her comments, her leadership on so many important issues in the Senate, and for yielding to me at this time so we may proceed.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, obviously I had hoped we would be making a lot more progress this week on appropriations bills and other issues. That has not occurred yet. But we have been filing cloture motions, and we will be getting votes. In some way we will deal this week with the Treasury-Postal Service appropriations bill. I hope we can find a way to proceed on the energy and water appropriations bill. We will get to a vote at some point on the intelligence authorization bill. So, hopefully, we can still go forward.

I do not feel as if we are proceeding appropriately, but in spite of that, I think it generally was interpreted or not understood that I would begin the discussion on the China PNTR bill. Even though it will be difficult to get through the maze of clotures we have
had to file this week. I still think it is the appropriate thing to do to begin this process because we do not know exactly how long it will take to get to a final vote on the China trade issue.

I am still going to do my best to find a way to have the Thompson-Torricelli legislation considered in some manner before we get to the substance of the China trade bill because I think Chinese nuclear weapons proliferation is a very serious matter. We should discuss that and have a vote on it. I think it would be preferable to do it aside from the trade bill itself.

In the end, if we can’t get any other way to get at it, these two Senators may exercise their right to offer it to the China PNTR bill. But I am going to continue to try to find a way for that to be offered in another forum. I think Senator Daschle indicated he would work with us to try to see if we could find a way to do that. But I do think if we can go ahead and get started—and since there will be resistance to the motion to proceed—then we will file cloture and have a vote on it then on Friday.

**Nondiscriminatory Treatment to the People’s Republic of China—Motion to Proceed**

Mr. LOTT. So, Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 575, H.R. 4444, regarding normal trade relations with the People’s Republic of China.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I am sorry there is objection just to proceeding to the bill. But I know that Senator Reid is objecting on behalf of others who do not want us to proceed to it. I hope we can get to a vote on Friday; and then when we come back in September this will be an issue we can go to soon rather than later in the month.

**Cloture Motion**

I move to proceed to the bill. So I make to proceed at this time, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

**Cloture Motion**

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China:

Trent Lott, Pat Roberts, Larry E. Craig, Craig D. Thomas, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Mr. LOTT. Mr. President, this cloture vote will occur on Friday, unless consent can be granted to conduct the vote on the motion to proceed to calendar number 575, H.R. 4471, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 2001, and for other purposes.

Mr. LOTT. Mr. President, this cloture vote will occur on Friday, unless consent can be granted to conduct the vote on the motion to proceed to calendar number 575, H.R. 4444, a bill regarding nondiscriminatory treatment to the People’s Republic of China.

Mr. President, I move that the vote be postponed for some time. But I ask unanimous consent that the mandatory quorum be waived.

The PRESENTING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed. I believe I have that right.

The PRESENTING OFFICER. The Senator has that right.

The motion is withdrawn.

Mr. President, while we seek Utopia in dealing with these appropriations bills, the promised land of how we can work together to do the people’s business, which we are not doing right now, at least in the case of this bill, I believe we will have bipartisan support for the China PNTR bill. I might add, there is going to be some bipartisan opposition, too.

So as we get into the substance of this—which I would rather be getting into rather than having to once again file cloture on a motion to proceed—I think we will have a good debate. I think it is going to serve the Senate well. I think it will serve the American people well. I believe when we do finally get to a vote, it will pass—and probably soundly. But there are a lot of serious questions still involved in how we are going to deal with China. So I look forward to this discussion.

Mr. President, I yield the floor.

**Treasury and General Government Appropriations Act, 2001—Motion to Proceed—Resume**

The PRESENTING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

**Cloture Motion**

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China:

Kay Bailey Hutchison, Don Nickles, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Trent Lott, Ben Nighthorse Campbell, Pat Roberts, Richard G. Lugar, Jesse Helms, Jeff Sessions, Larry E. Craig, Jon Kyi, Craig Thomas, Don Nickles, Strom Thurmond, Michael Crapo, Mitch McConnell, Fred Thompson, Judd Gregg, and Ted Stevens.

The PRESENTING OFFICER. By unanimous consent, the mandatory quorum could under the rule have been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 4471, an act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, shall be brought to a close?

The yeses and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES, I announce that the Senator from Wyoming (Mr. Thomas) is necessarily absent.

Mr. REID. I announce that the Senator from New Jersey (Mr. Torricelli) is necessarily absent.

The PRESENTING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

(Rollcall Vote No. 227 Leg.)

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The PRESIDING OFFICER. If there are no Senators wishing to vote or change their votes, on this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators are present and sworn having voted in the affirmative, the motion is agreed to.

The Senator from South Carolina.

(The remarks of Senator Thurmond pertaining to the introduction of S. 2925 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)
Mr. DORGAN. Mr. President, I take a few moments following this cloture vote to talk about the appropriations bills and a couple of related matters to that bill that are to be brought to the Senate floor. We are completing the last legislative session before the August break. When we come back following the August break, we will have a number of weeks in September and a couple of weeks in October, perhaps, at which time the 106th Congress will be history.

We will have an election in early November, something that the late Congresswoman Claude Pepper, a wonderful public servant, used to call one of the miracles of democracy. He said: Every even numbered year, our Constitution provides that the American people grab the steering wheel and decide in which direction this country moves. He said it was one of the miracles of democracy. Indeed it is. We are headed toward an election. That will affect the Senate. That means that likely the Senate will complete its work, the Congress will complete its work, in the 106th Congress by the middle of October.

As we look to that moment, we have a lot of work to do between now and then. We have appropriations bills to complete. After all that, one of the fundamental responsibilities we have is to provide for the funding of things we do together in government. We build our roads together. It doesn't make sense for each and every person to build their own road to the supermarket. It is called government. We come together and build a system of roads. We come together to build schools and maintain and operate schools in which the American people can send their children. It doesn't make sense for each and every person to build their own school. So we have roads and schools. Then we hire a police force. We hire folks who will serve in the Armed Forces to defend our liberty and freedom.

All of these things we do, and much more, as a part of our governing process. I am proud of much of what we do. Much of what we have accomplished in this country is a result of the ingenuity of people in the private sector, in the market system, competing, the genius of those who are willing to take risks and use ideas to build new products and create new markets; on the other side, public sector legislation that has been exhibited by some who have served this country for many years to do the right things in the public sector, to do together what we should do to provide for our common defense and build our schools, build our roads, and do those things that we know also make this a better country.

One of the pieces of legislation we are intending to bring to the floor very soon is the Treasury-Postal appropriations bill. The Senate will complete the full Appropriations Committee in the Senate. It is legislation that will be, I hope, debated next on the Senate floor. The bill is through

the full Appropriations Committee and includes funding for a wide range of things we do in this country.

One of the larger portions of the bill is the funding for the Customs Service. The Customs Service is a very important element in the expanding nature of world trade, with the amount of commerce and goods and services moving in and out of our country and across our borders, the Customs Service provides an ever increasing important service to our country.

We fund the Internal Revenue Service which collects the revenue by which we fund most of the government services we have in this country. One of the areas of this legislation is the national youth antidrug media campaign. That campaign in the drug czar's office is now about 3 years old, and the Congress has been working on that diligently, as well.

We have a number of issues in this legislation that are very important, that are timely, and that we need to get to the floor of the Senate to debate and try to make some decisions about them.

Let me comment for a moment about a couple issues that I doubt will be brought to the Senate floor on this bill. I will talk about why these issues are important and what I think will happen with these issues. In the House of Representatives, when they wrote the legislation dealing with Treasury and Postal, I was on a subcommittee, that legislation included some amendments dealing with the subject of Cuba and the sanctions with respect to food and medicine that exist with respect to Cuba.

I want to talk just a bit about that because those provisions are included in the House bill. We will undoubtedly have amendments on that same subject in the Senate bill. There will be a defense of genuineness on those amendments that go forward. I amendment. I believe my colleagues Senator DODD, Senator ROBERTS, perhaps Senator BAUCUS, and others will offer similar amendments. I want to describe why this is an important issue and why the Senate should consider these amendments, especially inasmuch as these types of amendments are in the House bill coming over for consideration in conference.

There are some bad actors international behavior. By the way, the Bush administration in the 106th Congress that has been exhibited by some who have served this country for many years to do the right things in the public sector, to do together what we should do to provide for our common defense and build our schools, build our roads, and do those things that we know also make this a better country.

One of the pieces of legislation we are intending to bring to the floor very soon is the Treasury-Postal appropriations bill. The Senate will complete the full Appropriations Committee in the Senate. It is legislation that will be, I hope, debated next on the Senate floor. The bill is through

least they have for some while—outside the norms of international behavior, engaged in an attempt to acquire sophisticated missile technology. I suspect they and others on the list would love to acquire nuclear weapons. These are countries that have demonstrated by their behavior in international relations, that they are operating outside the norms of what we consider acceptable behavior. I am talking now about the international community, the community of nations. What do we do? What do we do is we say to Saddam Hussein: We are going to impose economic sanctions on your country. These sanctions, in the form of either sanctions or an embargo, are an attempt to choke your economy and cause you economic pain. They cause you to understand when you operate outside the norms of international behavior, when you are attempting to acquire nuclear weapons, chemical weapons, and biological weapons with which to threaten us, we care about that and we intend to do something about that. We and other countries have imposed sanctions against the country of Iraq.

We have had an embargo against the country of Cuba for some 40 years. It is a small country 90 miles off the tip of Florida. We have had an embargo for some 40 years against the country of Cuba, preventing goods from being shipped to Cuba, preventing Cuban goods from coming into our country, essentially trying to shut down their economy with that embargo. We have had similar sanctions against North Korea and Iran.

One of the mistakes this country has made—and a very serious mistake—is deciding we will include food and medicine as a part of our economic sanctions. We should not have done that. This country should never have done that. This country is bigger and better than that. We should never use food as a weapon.

We produce food in such abundant quality—the best quality food in the world. We have farmers today who are out driving a tractor in some field somewhere, planting a seed and raising crops with great hope they will be able to make a living on their family farm. We produce such wonderful quality food in such abundance, and then we say to countries whose behavior we don't like: By the way, we are going to our economic throat, and included in that, we are going to prevent the movement of food in and out of your country.

I am all for economic sanctions. There is not any reason to make life better for Saddam Hussein. He ought to pay a price for his behavior. But this country is shortsighted to believe that using food as a weapon is an advancement in public policy for us. It is not. Food hurts our own economy if it is prevented from moving food through the international markets. Second, it takes aim at a dictator and ends up...
hitting hungry people. That is not the best of what this country has to offer.

So we have a very simple proposition—those of us who care about this issue. We say let’s stop using food as a weapon; let us, as Americans, decide we shall not use food as a weapon to punish others. We understand that Saddam Hussein and Fidel Castro have never missed a meal. They have never missed breakfast, they have never missed dinner, never missed supper. They have food. When we use food as a weapon, it is only poor people, sick people, and hungry people who pay a price; and of course, our farmers here in America also pay a price.

So last year we had a debate about this. My colleague Senator Ashcroft, I, Senators Dodd, Roberts, Baucus—a range of people—have offered amendments. Last year we had a vote, and 70 Senators said: No, we shall not any longer use food as a weapon. Let us lift the sanctions on food and medicine. Seventy percent of the Senate said let’s stop it.

I cannot speak for all 70, but I will speak for myself to say it is immoral to have a public policy that uses food as a weapon. It is immoral to punish hungry, sick, and poor people around the world because we are angry at dictators. Seventy percent of the Senate said: Let’s stop. Let’s change the sanctions. We can continue some of the economic sanctions. We are not making a judgment about using economic sanctions to punish dictators or punish countries whose behavior is outside the international norm. We are saying, however, we should not any longer use food or medicine as a weapon or as part of the sanctions.

So 70 percent of the Senate voted. It was on the Senate agricultural appropriations bill, and off we marched to conference. I was one of the conference. One of the first acts of conference between the House and Senate was offering an amendment insisting that the Senate retain its position. In other words, we were saying as a group of Senators who were conferees: We insist on our provision, lifting the sanctions on food and medicine.

I offered the amendment in the conference. We had a vote of the Senate conferees, and my amendment carried. Therefore, the Senators at this conference with the House Members said: We insist on provision. We insist on our policy of removing food and medicine as part of our economic sanctions.

Guess what. A Member of the House moved that the conference adjourn. We adjourned. It was late one morning, and we never, ever returned to conference. Do you know why? Because the House leaders, the House leadership, did not like that provision and they intended to kill it. They knew they could not kill it with their conferees. If they said a vote on it in the conference they would lose. If they were a vote on it on the Senate floor, they would lose. So the only way they could win was to hijack that conference, adjourn it, never come back into session, and throw the ingredients of that bill into a broader bill, and we never saw the light of day on our policy.

The result is we are back on the floor right now. This country still has in place a policy of using food and medicine as part of our economic sanctions. It is wrong. It is wrong.

Following that conference last year, I had the opportunity to go to Cuba. I have seen the [censored]. I have seen the wealth of the world, and I have seen that what we produce in such abundance, the world needs so desperately. The winds of hunger blow every minute, every hour, and every day all across this world. So many people die of hunger, malnutrition, and hunger-related causes, and so many of them are children—every single day.

I went to Cuba. What I saw was a country in collapse. It is a beautiful country with wonderful people. The Cuban city of Havana is a beautiful city, but in utter collapse. There are gorgeous buildings designed in the 1940s and 1950s by some of the best architects—beautiful architecture, in total disrepair. The city is collapsing. The Cuban economy is in collapse. There is no question about that.

I visited a hospital, and I saw a young boy lying in a coma. His mother was seated by his bedside holding his hand. This was in an intensive care ward of a Cuban hospital. This young boy in intensive care was not hooked up to any wires. There was no fancy gadgetry, no fancy equipment, no beeping that you hear in intensive care—the beeping of equipment—no, none of that. He was lying on his bed with his mother holding his hand.

I asked the doctor, Do you not have equipment with which to monitor this young boy? He had a head injury and was in a coma. He said, Oh, no; they didn’t have any of that equipment. They didn’t even have any rudimentary equipment with which to make a diagnosis. Intensive care was to lay this boy in a room. They told me they were out of 250 different kinds of medicine in that hospital.

My point is this. The Cuban people do not deserve Fidel Castro—that is for sure. They deserve a free and open country, a free and open economy; they deserve the liberties we have and the freedom we have. But 40 years of an embargo by this country has prevented the movement of food and medicine back and forth, surely makes no sense.

It has not hurt Mr. Castro. It has hurt the poor people of Cuba and the hungry people of Cuba. It is time to change that policy. A year ago we tried it. Seventy percent of the Senate voted for it, and it has not happened.

This is what we have done this year: I offered an amendment, with Senator Gorton from the State of Washington, on the Agriculture appropriations bill that lifts the sanctions on food and medicine and also let’s do one other thing. It prevents any future President from ever including food and medicine as part of economic sanctions unless they come to the Senate and get a vote and the Senate says: Yes, we ought to do that.

We have two things: We lift the sanctions on food and medicine that exist with those countries that are subject to our economic sanctions, and we prevent future Presidents from imposing sanctions and using a weapon. That is in the Agriculture appropriations bill which came to the floor of the Senate. The Senate passed that bill. My amendment is in it. We will go to conference.

The only way we can lose that issue is if the House leaders hijack it once again. There is a member of the leadership of the House, whom I shall not name, who makes it his cause to derail us. He believes we ought to use food as a weapon, especially with respect to Cuba. He believes we ought not change the policy and will do everything he can to stop us.

My colleague in the House who has been working on this passed legislation that was negotiated with the House leadership, but it turns out the legislation, when one looks at the language, is a step backward, not a step forward.

We will go to conference on the Agriculture appropriations bill with my amendment in it, and I say to those who might pay attention to the Senate record from the House side, if the House leaders expect to hijack this legislation, if they get a full vote in the House and we have a full vote in the Senate, 70 percent of the Congress will say: Let’s change this foolish policy. This policy is not the best of this country. This policy is wrong, and we aim to change it.

Now we bring this bill to the floor of the Senate. We had a cloture vote on the motion to proceed today, and the Senate will now be considering the bill on the floor at some point. As I indicated, in addition to the description of the amendment I offered to the Agriculture appropriations bill on the floor of the Senate dealing with sanctions on Cuba, a number of Members—especially on the other side—sought some amendments, which were successful, to the Treasury-general government bill which means when our bill comes to the floor of the Senate, it will also attract these amendments. That is fine with me. Having them in two places is better than having them in one place. Perhaps one conference will be successful in changing this policy.
My colleagues in the House added a piece of legislation, for example, dealing with travel in Cuba saying that no funds will be used to enforce the restrictions on travel to Cuba. I prefer to do it a different way. Who is going to believe it makes sense to travel to Cuba if it is still illegal but they just will not enforce it? If we change travel, let’s change travel. Let’s not say you shall not enforce something that remains illegal. Let’s say the travel restrictions are lifted. Period. End of story.

I hope my colleague who intends to offer that amendment in the Senate will consider doing that. We have other amendments as well, and I intend to offer an amendment dealing with food and medicine sanctions on Cuba on the Treasury-Postal bill when it is brought to the floor of the Senate.

There is another issue I wish to talk about briefly that relates in some measure to this bill, but especially to the Customs Service, and our borders and the issue of international trade. I am going to talk in a bit about our trade problem because we have the largest trade deficit in the history of humankind.

There is a lot right with this country. There is a lot going on to give us reason to say thanks and hoseanna. We have a wonderful economy. It is producing new jobs and new opportunity. All of the indices are right: unemployment is down; home ownership is up; inflation is way down. All the things one expects to happen in a good economy have been happening.

Some parts of the country are left behind, such as rural areas. We have a farm program that is a debacle, and we cannot get anybody to even hold a hearing to change the farm program, but that is another story.

There are some areas that have not kept pace with the prosperity. We need to come to write the new farm program and make sure those rural areas share in the full economic prosperity of America.

There is a lot right in this country. This is a good economy. It is producing unprecedented opportunities.

The one set of storm clouds above the horizon, however, is in international trade. We have a huge trade deficit. Our merchandise trade deficit was nearly $350 billion in 1999, and is projected to be down—$8.8 billion in daily exports and imports. They have to keep track of it all: $8.8 billion in daily exports and imports, and 1.3 million passengers and 330,000 vehicles moving back and forth across our borders. Think of that. This is the agency that has the responsibility of keeping track of all of it—whose vehicle, when did it come in, when did it go out, who is coming in, who is leaving our country, what are the goods coming in, what kind of tariffs exists on those goods, who is sending them, who is receiving them. All of that is part of what we have to keep track of in terms of movement across our border. The current system that keeps track of all of that is nearly two decades old, and running at near capacity. It is the single most important resource in collecting duties and enforcing Customs laws and regulations.

This system has been experiencing brownouts over the past months that have brought the Customs operation at these border ports, in some cases, to a dead halt. Over 40 percent of the Customs stations are using work stations that are unreliable, are obsolete operating systems, and are no longer supported by a vendor.

Trade volume has doubled in 10 years. The deficit in trade is astronomical. The Customs Service anticipates an increase of over 50 percent in the number of entries by 2005. That means the current system just can’t and will not handle it.

We have a responsibility to do something about that. If anybody wonders whether all this trade is important, and keeping track of it is important, as I said, look at the trade deficit and look at what is happening in this country.

From the standpoint of policy—I was talking about the system that keeps track of it—but from the standpoint of policy, we also have to make significant changes. We will not make them in this bill because this isn’t where we do that, but you can’t help but look at what is happening in our country and understand that our own trade policy does not work. It just does not work.

We have a huge and growing trade deficit with China, growing rapidly—of nearly $70 billion a year. We have a large abiding trade deficit with Japan that has gone on forever—$50 to $70 billion a year.

This Congress, without my vote—because I voted against it—passed something called NAFTA, the North American Free Trade Agreement. It was billed as a nirvana. What a wonderful thing, we were told, if we can do a trade agreement with Mexico and Canada. What a great hemispheric trade agreement, and how wonderful it would be for our country.

In fact, a couple of economists teamed together and said: If you just pass NAFTA, you will get 300,000 new jobs in the United States. The problem is, there is never accountability for economists. Economists say anything, any time, to anybody, and nobody ever goes back to check.

The field of economics is psychology pumped up with helium and portrayed as a profession. I say that having taught economics a couple years in college, but I have overcome that to do other things.

But economists told us, if we pass NAFTA, it will be a wonderful thing for our country. Well, this Congress passed NAFTA. I didn’t vote for it. Guess what. We had a trade surplus with Mexico. We have now turned a trade surplus with Mexico into a significant deficit with the country of Mexico.

They said, by the way, if we pass NAFTA, the products that will come in from Mexico will be products produced by low-skilled labor. Not true. The products that are coming in from Mexico are the product of higher-skilled labor, principally automobiles, automobile parts, and electronics. Those are the three largest imports into the United States from Mexico.

So the economists were wrong. I would love to have them come back and parade around, and say: I said NAFTA would work, but I apologize. We had a trade surplus with Mexico. Now it is a fairly large deficit. We had a trade deficit with Mexico, and we doubled the deficit. I want one person to stand up in the Senate and say: This is real progress. Doubling the deficit with Canada, and turning a surplus into a deficit with Mexico—hooray for us. That is real progress. I want just one inebriated soul to tell me here in Washington, DC, that this makes sense. Of course it does not make sense.

It did not work. So we have trade policy challenges dealing with Mexico. Consider the trade deficit with China. We have policy differences dealing with our big trade deficit with China. We are going to have other struggles and challenges
dealing with the recurring deficit that goes on forever with Japan.

It might be useful—I know people get tired of me talking about this—but it might be useful to describe our diminished expectations in this country and why we are getting nowhere on the trade imbalance.

About 10 years ago—we have always had a struggle with Japan—we were having, at that time, an agreement negotiated on the issue of American beef going to Japan. We were not getting enough beef into Japan. At that point, it cost about $30 a pound to buy a T-bone steak in Tokyo. Why? Because there was not enough beef. So you keep the supply low, the demand and price go up, and a T-bone steak costs a lot of money in Tokyo.

We wanted to get American beef into Japan. After all, we buy all their cars, VCRs and television sets. Maybe they should buy American beef. So we sent our best negotiators, and they negotiated. Our negotiators were hard nosed. It only took them a couple of days to lose. They sat at the table, and they negotiated and negotiated. And guess what they negotiated? They had a press conference and said: We have a victory. We have a beef agreement with Japan. It was a wonderful deal. You would have thought they had just won the Olympics because they celebrated. And everybody said: Gosh, what a great deal.

Here is the agreement. You get more American beef into Japan. Yes, you do. And we did.

Ten or 11 years after the beef agreement with Japan, the tariff on American steak or American ground beef or American beef going to Japan today is 40 percent on a pound of beef. Can you imagine that? What would people think if you told them: In the United States, we only have a 40 percent tariff on your product coming into our country? They would say: What kind of nonsense is that? This is not free trade. Yet we celebrated the fact that we had an agreement with Japan that takes us to a 50 percent tariff, which is reduced over time, but snaps back up if we get more beef into Japan. We celebrated that.

This is the goofiest set of priorities I have ever heard. We ought to learn to negotiate trade agreements that are in this country’s interests.

I have threatened, from time to time, to introduce a piece of legislation in Congress that says: When our trade negotiators go to negotiate, they must wear a jersey that says “USA,” just so that they can look down, from time to time, and see who they are negotiating for. “I am from the United States. I wear a jersey that says ‘USA,’ just so our negotiators go to negotiate, they must wear a jersey that says “USA,” just so that they can look down, from time to time, and see who they are negotiating for. “I am from the United States. I wear a jersey that says ‘USA,’ just so our negotiators go to negotiate, they must wear a jersey that says “USA,” just so that they can look down, from time to time, and see who they are negotiating for. “I am from the United States. 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States. And the President marches in and gives a State of the Union speech.

We occasionally have other speakers who are invited to give an address to a joint session of Congress. On rare occasions, it has been a head of state. Many will remember the occasion when General Douglas MacArthur coming back from Korea, when he was relieved of his command by President Truman, was invited to address a joint session of Congress; Winston Churchill addressed a joint session of Congress.

One day about 10 or 12 years ago, I was a Member of the U.S. House, it was a joint session of Congress. In the back of the room, the Doorkeeper announced the visitor. The Doorkeeper said: Mr. Speaker, Lech Walesa from Poland. And this fellow walked in, a rather short man with a mustache. He had red cheeks and probably a few extra pounds, an ordinary looking fellow who walked into the Chamber of the House, walked up to the microphone. The joint session stood and applauded and gave a big round of applause. This applause continued to create waves, and it went on for some minutes. Then this man began to speak. Most of us, of course, knew the history. But in a very powerful way this ordinary man told an extraordinary tale. He said 10 years before, he was in a shipyard in Gdansk, Poland on a Saturday morning, from lying on the ground bleeding from the beating he had received from the Communist agents of the Communist thugs and beaten and beaten to the edge of the shipyard, hoisted him up, dumped him over the barbed-wire fence and climbed back into the shipyard face down in the dirt, he lay there bleeding, wondering what to do next.

Of course, we know what he did next. Ten years later, he was introduced to a joint session of Congress as the President of his country—not a diplomat, not a politician, not an intellectual, not a scholar, an unemployed electrician who showed up in this country 10 years later as the President of his country. He was invited to speak a window-pane in Poland. We didn’t have guns. We didn’t have bullets. We were armed with an idea and that idea simply was that free people ought to be free to choose their own destiny.

I have never forgotten that moment, understanding the power of ideas and understanding that common people can do uncommon things. Ordinary people can do extraordinary things. Wondering where did Lech Walesa get the courage to pull himself up that Saturday morning in a shipyard in Gdansk, an unemployed electrician, believing so strongly in the need to provoke change in this Communist country that this man and his followers toppled a Communist government and lit the fuse, the fuse that began to topple Communist governments all through Eastern Europe.

What is the power of an idea?

What are the ideas that exist in this country that will make a better America possible? We know from our history that in two centuries, a series of ideas by some remarkable men and women have created the best country in the world. It is the freest. I know there are a lot of blemishes, there is no country that has freedoms like ours. There is no country that has accomplished what we have accomplished in every area. Find an area where we have had difficulty, we have confronted it. We have had difficult times, but we have solved the issues. We survived a civil war. We survived a great depression. When you think of what this country has done, it is quite remarkable.

We stand today at the edge of a new century, the year 2000, with a lot of challenges in front of us. Some say we are just sort of content to be where we are and to kind of nick around the edges. No person, no country, no organization ever does well by resting.

There are challenges in front of us. We have talked about some of them. Some of them will be in this legislation when we bring it to the floor. Some will be in other legislation. I was on the floor yesterday and Senator Durbin, who was the chief moment, and I talked about the challenge of making our health care system work; the challenge of passing a Patients’ Bill of Rights, and one that is a real Patients’ Bill of Rights; the challenge of putting a prescription drug benefit in the Medicare program. Those are ideas—ideas with power and resonance, ideas which ought to relate to the public policy this Congress embraces. I talked, a little bit ago, about trade policy, the idea that we need to change trade policy to take advantage of the worldwide drive for our country, to decrease the trade deficits and continue to expand markets, and to have fair rules of trade.

There are so many things we need to do. Yesterday, I showed some of the challenges that we ought to address now in the coming weeks. For instance, gun safety. This is a wonderful country, but when you read the newspapers, you read of child killings, and then you understand that we don’t own our own weapons—and nobody is changing that right; it is a constitutional right. But we have said it makes sense for us to keep guns out of the hands of convicted felons. How do we do that?

We have a computer base with the names of felons on it. When you want to buy a gun, your name has to be run against the computer base. At the gun store, they run your name to find out if you are a convicted felon. If you are, you don’t get a gun. But guess what. You can go to a gun show on a Saturday someplace and buy a gun or a weapon, and nobody is going to run your name through an instant check.

We say let’s close that loophole. Are the gun stores who don’t want to close it saying they don’t want to keep guns out of their hands? I hope not. So join us in fixing this problem. That is an idea. That has some power. How many Americans will that save? How many citizens will it save? It will save gun out of the hands of a convicted felon? We are not talking about law-abiding citizens. We are not going to disadvantage them. Let’s keep guns out of the hands of convicted felons. Close the loophole. It is a simple idea; yet one we can’t get through the Congress because people are blocking the door on this issue.

The Patients’ Bill of Rights: We talked about that yesterday. We talked about putting a drug benefit in the Medicare program. We talked about school modernization. I will conclude by talking for a moment about school modernization.

Our future in education. I have told my colleagues many times about walking into the late-Congressman Claude Pepper’s office and seeing two pictures, both autographed, behind his chair. One was a picture of Orville and Wilbur Wright making the first airplane flight. It was autographed by Orville Wright, saying, “To Congressman Pepper, with deep admiration, Orville Wright.”

Then, the first person to stand on the Moon, Neil Armstrong, gave him an autographed picture of myself. I think myself, this is really something. Here is a living American who has an autographed picture of the first person to leave the ground in powered flight, and also the person who flew all the way to the Moon. What was the in between? What was the difference between just leaving the ground and arriving on the Moon? Education, schools, learning; it is our future—allowing every young boy and girl in this country to become the very best they can be; universal education, education, education for every boy or girl, no matter what their background or circumstances are, can walk through a schoolroom door and be
Mr. President, about 14 months ago, those of us in this Chamber passed a juvenile justice bill. Prior to its passage, many of us on this side of the aisle came together to say if we want to really achieve some limited improvements, what should they be? We decided on a few, and the Republican side had a few. So some targeted measures were added to that bill.

One of them was that guns should not be sold without trigger locks. That was made from our side of the aisle. One from the Republican side of the aisle was that children should not be permitted to buy assault weapons—a no-brainer. That was accepted by this body. A third vote was to close the gun show loophole which enabled the two youngsters from Columbine, 16 years old, to go to a gun show and buy two assault weapons with no questions asked with most one-day bullet I thought on the floor, which was to plug a hole in the assault weapons legislation.

Under the assault weapons legislation, it is illegal to manufacture, possess, sell, or to transfer a large-capacity ammunition device in this country. So, in other words, nobody can manufacture one domestically in this country now. The loophole is that they can come in, if manufactured in foreign countries, and be sold. So since the passage of the original assault weapons legislation, about 18 million large-capacity ammunition feeding devices have come into the country. But just in the last 14 months, since the passage of the juvenile justice bill, 6.3 million of these clips have come into this country, many of them 250 rounds, but most 30 rounds.

What is the use of these clips? You can’t hunt with them. You can’t carry a clip with more than 10 rounds in virtually any State if you are going to hunt. You don’t use them for self-protection. The street price of them has dropped. You can buy them, no questions asked, over the Internet for $7, $8, $9. The only thing you do is turn a weapon into a major killing machine. They are used by drive-by shooters, by the gangs, and by the grievance killer who has a grievance and wants to walk into his place of business and kill a large number of people. Well, this body passed that, and the other body actually passed it by unanimous consent. So those are measures that have held up a whole huge juvenile justice bill for that period of time.

So in 14 months, we have gone nowhere in achieving safety regulations, prudent targeted gun regulations to protect people. A million women—now 240 new organizations have gone to the streets of their cities and to the Capitol on Mother’s Day to say they wanted prudent gun regulations. But what has happened since then is we have actually back slipped. The backsliding is taking place right in this very bill which time is running on.

An amendment was put in the bill that says this:

None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party of an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating standards, or production that are solely related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

This amendment is essentially meant to prohibit the U.S. Government from giving any preference to any responsible gun manufacturer. I believe this measure is simply the worst possible public policy. I would rather not have a Treasury-Postal appropriations bill that has this kind of disincentive to good conduct in a manufacturer of weapons in this country.

When this bill comes to the floor, the first amendment from our side will be the amendment to strip this verbiage from the bill.

I am pleased to say I am joined in sponsoring this by the Senator from Illinois, Mr. DURBIN, and the Senator from New Jersey, Mr. LAUTENBERG.
to stop any and all reasonable control of the flow of guns to criminals and children. I believe it would be dreadful to prevent the administration from encouraging agreements such as this one.

Let me be clear. No one is saying that law enforcement should buy inferior weapons simply because the manufacturer has agreed to act responsibly. The fact is, Smith & Wesson produces very good weapons. I have certainly never been one to argue that we should leave out enforcement without adequate weaponry. But where technology and safety of guns are similar, it makes eminent sense to give preference to the manufacturer that has agreed to certain commonsense standards.

I wish to take a few moments and go over a few of the details in the Smith & Wesson settlement document. This is what it looks like.

First, under the agreement, all handguns and pistols will be shipped from Smith & Wesson with child-safety devices. Again, the juvenile justice bill would have made this provision unnecessary. But, again, that bill has gone nowhere.

What would that do?

In Memphis, TN, not too long ago, a 5-year-old took a weapon off of his grandfather’s dresser. It was loaded. He took it to the kindergarten teacher because that youngster had been given a “time out” the day before. The gun was discovered because a bullet dropped out of his backpack—a 5-year-old child toting in his backpack a loaded pistol with no safety lock to kill the teacher because he had been given a “time out” the day before. With the safety lock, the gun would have been inoperable to that child.

Another child in Michigan, a 6-year-old, brought a gun to school, and actually kills another 6-year-old.

These may not be everyday events. But they would be prevented from happening if guns were made with smart technology and, prior to that, with safety locks.

Also in the agreement, every handgun and shotgun would be designed so it could not be readily operated by a child under 10 years old. This might include increasing the trigger-pull resistance, designing the gun so a small hand could not operate it, or perhaps requiring a sequence of actions to fire the gun that could not be easily accomplished by a 5-year-old. Who believes the Federal Government should not encourage manufacturers to make weapons so five- and six-year-olds cannot fire them?

The agreement includes safety in manufacturing tests, such as minimum barrel length and firing tests to ensure that misfires, explosions, and cracks such as those found in Saturday night specials do not occur. A drop test is also included.

I remember very well a major robbery in San Francisco where a police officer with a semiautomatic handgun went into the robbery, pulled out his weapon, and the clip dropped out. He was shot and killed. And I remember another incident where the gun was dropped and a large clip dropped out.

Another provision: each pistol would have a clearly visible chamber load indicator, so that the user can see whether there is a round in the chamber.

No new pistol design would be able to accept large-capacity ammunition clips.

The packaging of new guns will include a safety warning regarding the list of unsafe storage and use. What a good thing, a gun manufacturer that will put a warning with the gun that says to the prospective gun owner: Understand this is a lethal weapon. Here is how to keep it safely. Put it in a cabinet which is secure and locked. Keep the ammunition separate from the gun. And do not leave it around so anyone who provides this from gaining any kind of preference? We give preference with merit pay. There are all kinds of preferences in Federal law. Yet we are to deny this to anybody who does the right thing and manufactures safe guns, smart guns, better guns.

Under the agreement, any dealer wishing to sell Smith & Wesson firearms must carry insurance against liability for damage to property or injury to persons resulting in firearm sales. The same thing would apply if you had a swimming pool. You would have some liability insurance if a neighbor fell into the pool and drowned. This isn’t asking too much.

Any dealer wishing to sell Smith & Wesson firearms must maintain an up-to-date and accurate set of records and must keep track of all inventory at all times.

Any dealer wishing to sell Smith & Wesson firearms must agree to keep all firearms within the dealership safe from loss or theft, including locking display cases and keeping guns safely locked during off hours.

Ammunition must be stored separate from firearms.

Any dealer wishing to sell Smith & Wesson must stop selling large-capacity ammunition feeding devices and assault weapons.

This gun company has set itself in the vanguard of reform in the gun industry, and the Treasury-Postal bill coming before the Senate penalizes them for doing so. What kind of public policy is that? It simply says we are going to try, by law, to lower safety regulation, careful record keeping, and all the things that are positive to the lowest possible denominator. We are not going to commend anybody who does the right thing. We are going to say that if you are not given preference. We are going to provide a disincentive to gun companies that want to do the right thing.

More than any other piece of legislation I have seen, this shows the disingenuousness of those who say they are for some targeted gun regulations. This speaks to what this is all about, that there should remain one, and one industry only, without regulation, without any kinds of standards, and that is the gun industry. I think there is no better time to join this debate than in the upcoming Treasury-Postal bill. The amendment to strip this language from Treasury Postal will be the first item of business of this side.

Mr. President, I will make this agreement available to anyone from either side of this aisle who wants to inspect it.

Mr. President, Senator Kennedy is a cosponsor of the amendment. I thank him as well.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Delaware.

Mr. BIDEN. Mr. President, the Senate will soon be considering the Treasury and general government appropriations bill. This is one of the important funding bills we will have to pass this year to keep the Government open and running.

In addition to the Department of the Treasury, this is the bill that provides money for the operation of the White House, the Executive Office of the President, and it also provides funds...
for the construction of new court-houses, reflecting the priorities of the administrative offices of the courts. It is this third branch of our Government that I will take a few minutes to talk about.

In 1994, the Senate and the House passed the Violence Against Women Act which President Clinton then signed into law. As the author of that legislation, securing its passage had been my highest priority for three sessions of Congress. The cause of eliminating violence against women remains my highest priority. I have watched the progress of the implementation of my Violence Against Women Act. In that act we included a provision giving anyone who had been the victim of a crime of violence motivated by gender the right to bring a lawsuit seeking damages from the assailant.

On May 15 of this year, in a case called United States v. Morrison, the Supreme Court struck down this provision. I am pleased to say that, although the problems of violence against women in this way was beyond the constitutional authority of the elected representatives of the United States. Flat out, they said it was an unconstitutional provision in the act.

In ruling it was beyond the constitutional authority of the Congress, the Court said that it does not matter how great an effect such acts of violence have on interstate commerce. They said gender-based violence could be crippling large segments of our national economy, but, nonetheless, even if that were proven—according to the Court—the Congress is powerless to enact a law to deter such active violence because although we have acted this way under the commerce clause of the Constitution before, the Court ruled violence in and of itself is not commerce.

I believe this is a constitutionally wrong decision and I am certain that it does not strike a fatal blow against the struggle to end violence against women in this country. The other parts of the Violence Against Women Act are unaffected by this decision. I am pleased to report that these other provisions, together with changing attitudes in this country, are beginning to make a difference in this struggle in the lives of women who have been victimized.

I have introduced a bill with, now, I think, several sponsors in Congress to restore the provisions of my Violence Against Women Act so that we can continue to make progress. Nonetheless, the decision in Morrison is a wrongheaded decision. It is not just an isolated error. No, it is part of a growing body of decisions in which this Supreme Court is seizing the power to make important social decisions that, under our constitutional system of government, are properly made by elected representatives who answer to the people, unlike the Court.

I said at the time that the case came down, striking down the provisions of the Violence Against Women Act, that the decision does more damage to our constitutional jurisprudence than it does to the fight against gender-based violence. Since I said that, a number of people have asked me to explain what I mean by that. Today, since we have the time, I am beginning a series of speeches on the Court, including the Morrison decision in a larger context of what an increasingly out-of-touch Supreme Court has been doing in recent years.

I plan on making two additional speeches over the next several weeks and months. It is crucial, in my view, that the American people understand the larger pattern of the Supreme Court’s recent decisions and, to me, the disturbing direction in which the Supreme Court is moving because the consequences of these cases may well impact upon the ability of American citizens to ask their elected representatives in Congress to help them solve national problems that have national impact.

Many of the Court’s decisions are written in the name of protecting prerogatives of the State governments and speak in the time honored language of federalism and States rights. But as my grandmother would say, they have made a mistake. What is at issue here is the question of power, who wants it, who has it, and who controls it—basically, whether power will be exercised by an insulated judiciary or by the elected people to govern themselves through their elected officials, not through the court system.

According to Judge Ginsburg, the correct interpretation of the Constitution produces results that severely restrict the power of elected government. He calls the Constitution “the Constitution in Exile.” Under that Constitution, one that he thinks controls, unelected Federal judges would wield enormous power to second-guess legislative bodies on both the State and the Federal level.

When Judge Ginsburg wrote about these ideas in a magazine article in 1995, he was eagerly awaiting signs that the Supreme Court would begin to embrace his notion of a Constitution in Exile. Five short years later, much has changed. As Linda Greenhouse recently put it in a New York Times column, Judge Ginsburg’s hopes:

...sound decidedly less out of context today than they did even 5 years ago, just before the Court began issuing a series of decisions reviving a limited vision of federal power.

By taking a closer look at these series of decisions referred to in the New York Times, the pattern I have been referring to will become quite evident.

The first clear step toward an imperial judiciary was taken in the case called Lopez v. United States, which invalidated a Federal law making it a crime to possess a gun in a school zone. The Supreme Court held that this was not obvious “to the naked eye” that the nationwide problem of school violence has a substantial effect on the
national economy and interstate commerce, the predicate we have to show to have jurisdiction under the commerce clause to pass such a law.

In our desire to respond quickly to the epidemic of school violence, which we all worried about, the Congress in the Court declared the Congress may do so. We based our finding on the assumption that the commerce clause is a remarkable development in and of itself. The text of the 14th amendment has already recognized. Congress the power to enforce civil rights against the States. That is what the Civil War was about. That is why the Civil War amendments were passed: to put it in stone. Developments in the recent cases I have cited are in profound tension with the sentiments and concerns of the drafters of the 14th amendment.

Still, after that case, some might continue to say it is not clear where the Court was really headed. It was possible to say in theFlores case that it was simply articulating the standard governing the nature of Congress' power; namely, that it was purely remedial and not substantive.

Because the legislative record was designed to support the exercise of substantive power, that record did not so clearly support the exercise of the remedial power. The Supreme Court raised the stakes in the Smith case. In the Court's view, the power of Section 5 of the 14th amendment gives the Congress the power to enforce the rights established in that amendment, but it only amounts to a power to provide remedies for the violations of the rights that the Court has recognized. The Court has recognized—-the Court has recognized—-that the Civil Rights Act, which we passed to provide remedies for the violations of the rights that the Court has recognized, was drafted immediately after the Civil War, and it grants powers to only one branch of the Government, the only one named in the amendment: the Congress, not the Court. Specifically, the amendment sought to grant the Congress ample power to enforce civil rights against the States. That is what the Civil War was about. That is why the Civil War amendments were passed: to put it in stone. Developments in the recent cases I have cited are in profound tension with the sentiments and concerns of the drafters of the 14th amendment.

Smith broke with the prior line of decisions holding that such laws needed to make reasonable accommodations for religion unless the Government had a very good reason for applying the law when it offended someone's sincere religious practices, as set so forth. In other words, the Government had an overwhelming reason why in a Catholic Church they could not serve, when they give communion, a sipp of wine with the host, prior decisions said you cannot pass a law to stop that. The overwhelming majority of both Houses of Congress thought the Smith decision was incorrect as a matter of constitutional interpretation and as a matter of policy. We concluded that because section 5 of the 14th amendment authorized the Congress to protect fundamental civil liberties by appropriate legislation, we could enact a statute providing greater protection than the Smith decision did to accepted religious practices.

The Supreme Court struck down our effort to extend reasonable protections to religious practices. It held that the 14th amendment does not authorize the Congress to pass such a law unless the text of the amendment statute or to give judicially recognized rights a greater scope than the Court has set forth.

In the Court's view, the power of section 5 of the 14th amendment gives the Congress the power to enforce the rights established in that amendment, but it only amounts to a power to provide remedies for the violations of the rights that the Court has recognized. The Court has recognized—-the Court has recognized—-that the Civil Rights Act, which we passed to provide remedies for the violations of the rights that the Court has recognized, was drafted immediately after the Civil War, and it grants powers to only one branch of the Government, the only one named in the amendment: the Congress, not the Court. Specifically, the amendment sought to grant the Congress ample power to enforce civil rights against the States. That is what the Civil War was about. That is why the Civil War amendments were passed: to put it in stone. Developments in the recent cases I have cited are in profound tension with the sentiments and concerns of the drafters of the 14th amendment.
decision yet in the trend of the Court usurping democratic authority.

In that decision, the Court held unconstitutional a Federal statute, the Patent and Plant Variety Protection Remedy Clarification Act. That act provided for patent remedies against any State that infringes on the patent holder’s patent. That was in Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank.

Before enacting this remedial legislation, the Congress had developed a specific legislative record detailing specific cases where States had infringed a federally conferred patent and evidence suggested the possibility of a future increase in the frequency of State infringements of patents held by individuals.

Unlike Lopez, the Patent Protection Act did not lack findings or legislative record. Unlike Boerne, the legislative record demonstrated that the statute was not substantively invalid. Nonetheless, the Supreme Court decided, independently, that the facts before the Congress, as it, the Court, interpreted them, provided, in the Court’s words, “little support” for the need for a remedy.

Get this: We, up here, concluded, on the record, that States have, in fact, infringed upon the patents held by individuals. We laid out why we thought, Democrat and Republican, House, Senate, and President—we should protect individuals from that and why we thought the problem would get worse. We set that out in the record when we passed the legislation.

But the Supreme Court comes along and says: We don’t think there is a problem. Who are they to determine whether or not there is a problem? It is theirs to determine whether our action is constitutional, not whether or not there is a problem. But they said they found little support for our concern, the concern of the Constitution’s allocation of responsibility.

The Court was not substituting the judicial judiciary for the legislative judiciary. They concluded it is not constitutional. Not only that, but the Court struck down the remedy just because it did not think the remedy was a good idea. Who are they to make that judgment? Talk about judicial activism. The cases I have reviewed today—Lopez, Boerne, Seminole Tribe and Alden, Florida Prepaid—bring us up to this term just completed by the Supreme Court.

In the next series of speeches, I will show how the trend of judicial imperialism continued, and was extended by several decisions this past year, including the Violence Against Women Act, which I began with today.

The bottom line here is, in the opinion of many scholars and observers of the Court, we are witnessing the emergence of what I referred to a year ago as the “imperial judiciary.” I just discussed five cases leading up to the just completed term.

Now I would like to discuss two significant decisions of this term, I will also begin the task of trying to place these decisions in a broader framework of the Constitution’s allocation of responsibility between the elected branches of Government and the judiciary. It is a framework that this “imperial judiciary” is disregarding.

Last December, the Court focused its sight on the Age Discrimination in Employment Act. That is the act that protects Americans against discrimination based on age and is amply justified under the Constitution. It does not only does it protect the basic civil rights of equal protection and nondiscriminatory treatment—with bipartisan support. I might add—it also promotes the national economy, by ensuring that the labor pool is not artificially limited by mandatory requirements to retire.

So the Congress had ample constitutional authority to enact the Age Discrimination Act. And the Court did not deny that. Nonetheless, the Court, this last term, gutted the enforcement of the act and applied it to all State government employees.

Building on its earlier decisions in the Seminole Tribe and Alden cases, which I discussed a moment ago, the Court ruled that the Constitution prevents us from authorizing State employees to sue their employers for violation of the Federal Age Discrimination Act. The Court also said, however, that the Constitution does not prevent the Congress from applying the law to the States.

Now, you have to listen to this carefully. In a thoroughly bizarre manner, in my view, the same Court that has now held that the Constitution allows the Age Discrimination Act to apply to State employers, it denies the employees the right to sue the State employers when their rights under the Federal law are violated. We learned in law school that a right without a remedy can hardly be called a right.

As a result of this case, called Kimel v. Florida Board of Regents, over 27,000 State employees in my State of Delaware, the left behind, in the absence of judicial remedy, to Congress’ remedial authority to cover a subject over which the Congress has constitutional authority to legislate. They concluded it is not constitutional, not whether or not there is a problem? It is theirs to determine whether our action is constitutional, not whether or not there is a problem.

The Supreme Court was not substituting a legislative remedy for a judicial remedy. They concluded it is not constitutional principle here. The Court itself has declared and not to enforce civil rights refers only to the enforcement of those rights that the Court itself has declared and not to those that exist by virtue of valid statutes. Because the Court decided that the Age Discrimination Act goes beyond the general protection the Constitution provides when it says that all citizens are entitled to “equal protection under the law,” the Court ruled that the right to sue an employer for violations of the act was not “appropriate” and so ruled the act unconstitutional.

After Kimel, the pattern of the imperial judiciary now emerges with some clarity. First, the Court has repudiated over 175 years of nearly unanimous agreement that Congress, not the Court, will decide what constitutes “necessary and proper” legislation under any of its, Congress’, enumerated powers. Then in a parallel maneuver, the Court has allowed that the Congress, not the Congress, will decide what constitutes “appropriate” remedial legislation to enforce civil rights and civil liberties.

Let me return for a moment to the Violence Against Women Act, which I began earlier in my speech. Prior to the enactment of the Violence Against Women Act, I held extensive hearings in the Judiciary Committee when I was chairman, compiling voluminous evidence on the pattern of violence against women in America. The massive legislative record Congress generated over a 4-year period of those
hearings supported Congress’ explicit findings that gender-motivated violence does substantially and directly affect interstate commerce. How? By preventing a discrete group of Americans, i.e., women, from participating fully in the day-to-day commerce of this country. These are the types of findings, I might add, that were absent when the Congress first enacted the Gun-Free School Zone Act, struck down in the Lopez case.

Let me remind you that Congress, when it enacted the civil rights provisions of the Violence Against Women Act, struck down in the Lopez case, did—noting that the assertion that gender-motivated violence was supported by a “voluminous congressional record,” that it addressed this great impact on interstate commerce. They acknowledged—because I had my staff, over 4 years, survey the laws and the outcomes in all 50 States—that many State courts had a bias against women.

So they acknowledged both those predicators.

Instead of according the deference typically given to congressional factual findings, supported by, as they said, a voluminous record, and without even the pretense of applying what we lawyers call the “‘traditional rational basis test’”—that is, if the Congress has a rational basis upon which to make its finding, then we are not going to second-guess it; that is what we mean by “rational basis”—the Court simply thought it knew better.

This marks the first occasion in more than 60 years that the Supreme Court acknowledged the congressional findings, supported by, as they put it, a “voluminous congressional record,” that gender-motivated violence has this great impact on interstate commerce.

As Justice Souter said in his dissent, this has it exactly backwards, for “the fact of such a substantial effect is not an issue for the courts in the first instance, but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceeds ours.”

In short, in a decision that reads more like one written in 1930 than in 2000, the Court held that the judicial, not the legislative, branch of the Government was better suited to making decisions on behalf of the American people—a conclusion that certainly would have surprised Chief Justice Marshall, the author of the seminal commerce clause decision in Gibbons v. Ogden, in the early 1800s.

The judgments that the Congress made in enacting the Violence Against Women Act were, in my view, the correct ones. Even if you disagree with me, though, they were the Congress’ judgments to make, not the Court’s judgments to make.

When it struck down the Violence Against Women Act, the Court left little doubt that it was acting outside its proper judicial role. It said that the commerce clause did not justify the statute because the act of inflicting violence on women is not a “commercial” act. It said that section 5 of the 14th amendment also did not justify that act because creating a cause of action against the private perpetrators of violence is not an “appropriate” remedy for the denial of equal protection that occurs when State law enforcement fails vigorously to enforce laws that ought to protect women against such violence.

Over the course of this speech today, I have discussed seven significant decisions since 1995: Lopez, the gun-free school zones case; Boerne against Flores, the Religious Freedom Restoration Act case; Seminole Tribe and Alden, the two decisions prohibiting us from creating judicial enforceable economic rights for State employees; Florida Prepaid and Seminole, the Religious Freedom Restoration Act case; and finally, Morrison, the Violence Against Women Act case.

None of them deal fatal blows to our ability to address these significant national problems, but they each, in varying degrees, make it much more difficult for us to be able to do so. There are two even more important points to make about these cases.

First, the Court is increasingly establishing a pattern of decisions founded on constitutional error—an error that allocates far too much authority to the Federal courts and thereby denies to the Congress, whose inestimable authority is vested in it by the Constitution to address national problems.

Second, this is a trend that is fully capable of growing until it does deal telling blows to our ability to address significant national problems. This is not only my assessment; it is shared, for example, by Justice John Paul Stevens, who was appointed to the Court.
by Gerald Ford. Dissenting in the Kimel case, Justice Stevens has written that "the kind of judicial activism manifested in [these cases] represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises."

That is not Joe Biden speaking; that is a sitting member of the Supreme Court appointed by a Republican President.

It is also shared by Justice David Souter, who was appointed by President Bush. Dissenting in the Lopez case, Justice Souter has written that "it seems fair to ask whether the step taken by the Court today does anything but pend a return to the untenable jurisprudence from which the Court extricated itself almost 60 years ago." He was referring to the Lochner era.

It is shared by Justice Breyer, a Clinton appointee. Dissenting in the S 7602 Savings Bank v. Florida Prepaid, Justice Breyer has written that the Court's decisions on State sovereign immunity "threaten the Nation's ability to enact economic legislation needed for the future in much the way Lochner: New York threatened the Nation's ability to enact social legislation over 90 years ago."

Significantly, this imperialist trend can continue to grow and flower in two different places. The Supreme Court itself can continue to write more and more aggressive decisions, cutting deeper and deeper into the people's capacity to govern themselves effectively at a national level.

In the short term, perhaps the odds are that this will not occur. Many of the decisions in this pattern have been decided by votes of five Justices to four Justices, and it may be that one or more of the conservative majority has gone about as far as he or she is prepared to go at this time.

In the longer term, however, we can quite reasonably expect two or three appointments to the Court in the next 4 to 8 years, and if those appointments result in replacing moderate conservatives on the Court with activist conservatives, we have every reason to expect that this trend I have outlined for the last 45 minutes would gain momentum.

It can also bloom in the lower courts. This may, to some extent, be by design of the Justices who are taking the lead in the Court today. Certainly, many people have remarked on the proclivity of Justice Scalia to author opinions containing sweeping language that creates new ambiguities in the law and which then often provide a hook on which lower court judges can hang their judicial activism.

Already, opinions have been written by lower court judges overturning the Superfund legislation, challenging the constitutionality of the Endangered Species Act, calling into doubt Federal protection of wetlands, and eviscerating the False Claims Act, among others. Not all of these judicial exercises can be corrected by the Supreme Court, even if it were inclined to do so, because the Court decides only 80 or so cases a year from the entire Federal system.

In concluding, I wish to describe in the most basic terms why the imperialist course upon which the Court has embarked constitutes a danger to our established system of government. In case after case, the Court has strayed from its job of interpreting the Constitution and has instead begun to second guess the Congress about the wisdom or necessity of enacted laws. Its opinions declare straightforwardly its new approach: The Court determines whether legislation is "appropriate," or whether it is proportional to the problem we have validly sought to address, or whether there is enough reason for us to enact legislation that is not prohibited by our constitutionally defined legislative power.

If in the Court's view legislation is not appropriate, or proportional, or grounded in a sufficient sense of urgency, it is unconstitutional—even though the power within Congress' power, and even though Congress made extensive findings to support the measure.

More significant than the invalidation of any specific piece of legislation, this approach annexes to the judiciary vast tracts of what are properly understood as the legislative powers. If allowed to take root, this expanded version of judicial power will undermine the project of American civilization. It will threaten the people, and that project is self-government, as set forth in the Constitution.

To understand the alarm that Justice Stevens, Justice Souter, and others have sounded about the Court's pattern of action is to understand the way the Constitution structures the Federal Government and the reasons behind that structure. We must also understand the history and the practice that has matured the Constitution's blueprint, and measure its integrity by a scale of the power of the Federal Government that is proportional and necessary to the preservation of the American people, and that project is self-government, as set forth in the Constitution.

The Constitution (supplemented by the Declaration of Independence) sets forth the great aspirations and objects of our nation. It does not, however, achieve these objectives through a blueprint of American politics and government: to achieve the country envisioned in those founding documents. The way to meet our aspirations and establish our national identity and our character as a people through the process of self-government.

The Declaration of Independence proclaims our fundamental commitment to liberty and equality. These commitments are by no means self-executing. The history of our nation is in no small part the history of a people struggling to comprehend these commitments and to put these high ideals into practice.

The Constitution itself was concerned with a more complex function. Whereas the Declaration explained the reasons for splitting from Great Britain, the Constitution was concerned with explaining why the former colonists should remain a single nation. It was also concerned with the task of providing a government that could fulfill the promise and purposes of union.

The Framers who arrived in Philadelphia to debate and draft the Constitution were no longer immediately animated by an overbearing and oppressive government. In fact, our first national government, under the Articles of Confederation, was the precise opposite.

The emergency that brought the leading citizens of the North American continent together in Philadelphia in the summer of 1787 was the inability of the states to act in any effective way. These framers saw the vast potential of the new nation with its unparalleled natural and human resources.

They saw as well the danger posed by foreign powers and domestic unrest. They realized too that the Confederation could never act credibly to exploit the nation's potential or to quell domestic and foreign hostilities. As Alexander Hamilton put it, "[w]e may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience.

Hamilton urged that the nation ratify the Constitution and throw off the ability of the states to constrain the national government: "Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquility, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced and entrapped the world's leaders into the paths of felicity and prosperity."

Indeed, Hamilton may have been understating the degree of the crisis. Gouverneur Morris, a leading delegate from Pennsylvania, warned that "This country must be united. If persuasion does not unite it, the sword will . . . The scenes of horror attending civil commotion cannot be described . . . The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the word of the sword."

The words of the Constitution's preamble are not idle rhetoric. The founding generation ratified the Constitution in order to establish a government that could decisively and effectively act to "provide for the common defense, promote the general welfare, and secure the blessings of liberty." This is a fundamental constitutional value that must always be brought to bear when construing the Constitution.

Yet, it is precisely this constitutional value that the Supreme Court
has lost sight of. Consider, for example, Justice Kennedy’s statement in the case striking down the Line Item Veto Act. “A nation cannot plunder its own treasury without putting its Constitution and its survival in peril.

The question here is of first importance, for it seems undeniable the Act will tend to restrain persistent excessive spending.” Who is he to make that judgment? Yet, Justice Kennedy viewed this as completely irrelevant to the statute’s constitutionality. He contended that the Line Item Veto Act violates separation of powers even though there was no obvious textual basis for this conclusion and no apparent threat to any person’s liberty.

Justice Kennedy is right about one thing. His statement is premised on the view that the Court is not particularly well-suited to make policy or political judgments. This is accurate and no mere happenstance. The Constitution itself structures the judiciary and the political branches differently by design.

The Judiciary is made independent of political forces. Judges hold life tenure and salaries that cannot be reduced. The purpose of the entire structure of the judiciary, as have judges and courts, is to apply the technical skills of the legal profession to construe and develop the law, within the confines of what can be fairly deemed legal reasoning.

Outside this realm is the realm of policy. Here Congress and the President enjoy the superior place, again by constitutional design. The political branches are tied closely to the people, most obviously through popular elections.

Between elections, the political branches are properly subject to the public in a host of ways. Moreover, the political branches have wide-ranging access to information through hearings, through studies we commission, and through the statistics and data we gather.

This proximity to the people and to information makes Congress the most suitable repository of the legislative power; that is, the power to deliberate as agents of the public and to determine what laws and structures will best “promote the general welfare.”

It is much easier to describe the distinction between the judicial and the legislative power in the abstract than it is in practice. That is, so much of our constitutional history has been devoted to developing doctrines and traditions that keep the judiciary within its proper sphere.

After much upheaval, the mid-twentieth century yielded a stable and harmonious gap. Each to questions relating to the scope of Congress’s powers: these questions are largely for the political branches and the political process to resolve—not the courts.

To state, the Court has a role in policing the outer boundaries of this power, but it is to be extremely deferential to the specific judgment of Congress that a given statute is a necessary and proper exercise of its constitutional powers. When the Court fails to defer, as it had during several periods prior to the New Deal, it inevitably finds itself making judgments that are far outside the sphere of the judicial power.

This is the point of Justice Stevens’ warning. The Court is departing from its proper role in scope of power cases. What was initially uncertain, even after Lopez and Boerne, is now inescapable: This Imperial Court, in case after case, is freely imposing its own view of what constitutes sound public policy. This violates a basic theory of government so carefully set forth in our Constitution. In theory, therefore, there is ample reason to expect that the Supreme Court’s recent imperialism will undermine the fundamental value animating the Constitution, and that is the ability of the American people to govern themselves effectively and democratically.

I yield the floor.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield to the Senator from Missouri up to 7 minutes for a statement he wishes to make. I ask unanimous consent I be allowed to do that without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. ROBERTS. Mr. President, I thank the Senator from Michigan for his kindness to me. I certainly am not the one to object to that unanimous consent. I appreciate that very much.

I express my unequivocal support, and I rise to do so for the many efforts that we are making in this Congress to reform U.S. policy on embargoes of food and medicine. Now is the time to reevaluate the policies we have engaged in in the past that are perpetuating losses to America.

Food embargoes can be summed up as a big loss: a loss to the U.S. economy, a loss of jobs, a loss of markets. For example, embargoed countries buy 14 percent of the world’s total rice, 10 percent of the world’s staple wheat purchases, and the list goes on.

When we lose those markets for America, we should have a very good reason. There should be some benefit if we are going to give up access to 14 percent of the world’s rice market, 10 percent of the world’s wheat market, for soybean farmers, cattlemen, hog farmers, poultry producers, cotton, and corn farmers.

The nation of Cuba, for example, imports about 22 million pounds of pork a year. Someone says that is important to the livestock farmers. Feed that pig corn before exporting it, so it is important to the grain farmers, as well.

The embargo causes a loss in America’s foreign policy. Often, we think we will inflict some sort of pressure or injury on another country and, instead of hurting them, we help them. I don’t think there was any more dramatic case of that than the Soviet grain embargo with 17 million tons of grain and those contracts were canceled. Instead of hurting the Soviet Union, they replaced the contracts in the world marketplace at a $250 million benefit to the Soviet Union. Instead of hurting the former Soviet Union, it helped the former Soviet Union. That particular weapon was dangerous. Using food and medicine as an embargo is dangerous because that weapon backfires. Instead of hurting our opponent, we helped our original opponent.

Who did we hurt? We hurt the American farm agricultural community. We hurt the food processing community. We need to make a commitment to ourselves that we need to reform this area of embargoing food and medicine resources.

The provision the Senator from Kansas and I and others will likely offer today simply reaffirms what we have been trying to do for some time; that is, to get real reform of humanitarian sanctions. I will cosponsor Senator ROBERTS’ and Senator BAUCUS’ amendment. I support it fully. However, the amendment should not be necessary. Twice we have passed sanctions reform for only Cuba, and we should ensure that future sanctions will not be imposed arbitrarily.

Last year, the Senate accepted overwhelmingly, by a vote of 70–28, accepted an amendment that I and many of my colleagues offered. That amendment lifts food and medicine sanctions across the board, not only any Cuba. We should reform the sanctions regime for all countries, not only Cuba, and we should ensure that future sanctions will not be imposed arbitrarily.

When we went to the House-Senate conference, the democratic process was derailed. We were not voted down. The conference was shut down because the votes were there to affect what the Senate had clearly voted in favor of. That is, the reformulation of our policy in regard to food and medicine embargoes. The conference was shut down by a select few individuals in the Congress who were outside of the conference committee.

This reform proposal was then adopted by the Senate Foreign Relations Committee and I am pleased the Senate Foreign Relations Committee has embraced the concept, which the Senate voted 70–28 in favor of, in spite of the fact this was shut down when the committee was shut down in the conference last year.

Once again, this provision passed the Senate this year. Senators DORGAN and GORTON offered it as an amendment in the agricultural appropriations mark-up, and it was accepted overwhelmingly.

Once again, we are faced with a House-Senate conference. It would be very troublesome to me if the democratic process is not allowed to work,
especially after we have seen the will of Congress and the American people. That will is clearly expressed as a will to reform and embrace the reform of sanctions imposed by the President. It has passed the Senate Foreign Affairs Committee, and it has passed the Senate. Sanctions of the sort have now passed the House of Representatives and is broadly supported all across America. I hold in my hand a list of about 50 organizations, dozens and dozens of organizations, including the American Farm Bureau, the National Farmers Union, the U.S. Chamber of Commerce, Gulf Ports of the Americas Association, the AFL-CIO. That is a pretty broad list of groups that want to reform this practice of embargoes.

I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS AND INDIVIDUALS SUPPORTING THE AMENDMENT:


Concern America, Center for International Policy, Program On Corporations, Law, and Democracy (POCLAD), Unitarian Universalist Service Committee, Committee of Concerned Scientists, Inc., (which is chaired by Joel Sokolow, Chairman, University of Chicago Pritzker School of Medicine, National Institutes of Health, and Walter Reich, George Washington University), Women’s International League for Peace & Freedom, American Institute for Food and Development Policy.

Paulist National Catholic Evangelization Association, The Alliance of Baptist, Institute for Human Rights and Responsibilities, Chicago Religious Leadership Network on Latin America, Fund for Reconciliation and Development, Guatemala Human Rights Commission, Inc., The Center for Cultural Study, Inc., Mayor Gerald Thompson, City of Fitzgerald, Georgia, Professor Hose Moreno, Professor of Sociology, University of Pittsburgh, Pittsburg, PA, Center Director June Johnson, Youngstown State University, Dept. of Foreign Language,

Lake Charles Harbor & Terminal District, Catholic Relief Services.

Mr. ASHCROFT. We are today offering yet another amendment because there is concern that the democratic process in the agricultural appropriations House-Senate conference will not be properly debated.

Let me be clear. We would not have to be here today offering this amendment that says “don’t enforce the law,” if we in the Congress were allowed to change the law, which is the purpose of Congress.

If you don’t want to change the law, you don’t need a Congress. You can have the same laws all the time. We found a law that is not working; we should change the law. This amendment will be a “don’t enforce the law” amendment, but the truth is, our prior expressions on this are clear. We ought to change the law so we won’t have to talk about withdrawing funding for enforcement.

My preference is to get this issue resolved in the agricultural appropriations conference and pass embargo reform for all countries and for future sanctions. We need to send real embargo reform to the President’s desk this Congress and make the objective, this Congress will support this amendment today which I am cosponsor of, but real reform, and reforming the regime, the framework in which these sanctions are proposed, is what we ought to do. It is wrong. It is wrong, ultimately, it is what we will do for the benefit of not only those who work in agriculture and who respect foreign policy but for future generations and the relations of the United States with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Treasury-Postal appropriations bill includes a provision to issue a special postage stamp called the semipostal, intended to raise funds for programs to reduce domestic violence. I am a very strong supporter of programs to reduce domestic violence—I believe Congress should fully fund those programs—but I do not agree that another semipostal issue should be mandated by the Congress.

Semipostals are stamps that are sold with a surcharge on top of the regular first-class postage rate. The extra revenue earmarked for a designated cause. Those causes are invariably causes which I think most, if not all, support. They are very appealing causes that come to Congress and ask to require the Postal Service to issue a stamp that has an amount for first-class postage more than the regular 33 cents amount, with the difference going to their cause.

The one and only time that we ever did that was for an extraordinarily worthy cause—breast cancer research. The question now is whether we are going to continue down that road and, as a Congress, mandate the Postal Service to issue those stamps for a whole bunch of causes that are competing with each other for us to mandate the Postal Service to issue such a stamp.

Section 414 of this bill says: "To allow an amendment to a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

It then goes on to describe what that rate shall be. It says in part of this section that:

It is the sense of the Congress that nothing in this section should directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government, or any component or program thereof below the level that would otherwise have been received but for the enactment of this section.

I am not sure how this can possibly be enforced. But that is just one of the problems, not the basic problem, with this language. As I indicated, the first and only example in American history of a semipostal stamp being issued was the breast cancer research stamp which required the Postal Service to turn over extra revenue, less administrative costs, to the National Institutes of Health and the Department of Defense for its breast cancer research programs. That stamp broke tradition in Congress, not just because it was the first semipostal in our Nation’s history but also because it was the first time the Congress mandated the issuance of any stamp in 40 years. I think our tradition of keeping Congress out of the stamp selection process has worked with respect to commemorative stamps, and I believe we should follow that with respect to semipostals as well.

For the last 40 years, Congress has deferred to the Postal Service and to an advisory board which it has set up, nonpartisan, out of politics, objective. The Citizens’ Stamp Advisory Committee recommends subjects for the commemorative stamp program. That committee, the Citizens’ Stamp Advisory Committee, was created more than four decades ago to take politics out of the stamp selection process. Committee members review thousands of stamp subjects each year and select only a small number that they believe will be educational and interesting to the public and meet the goals of the Postal Service.

Although Congress advises that advisory committee on stamp subjects by making recommendations through letters that we send or through sense-of-Congress resolutions, until now, for the last 40 years, Congress has left the decisionmaking on stamp issuance up to the Postal Service.

This is what the Postal Service says about the role of the Citizens Stamp Advisory Committee:

The U.S. Postal Service is proud of its role in recognizing the American experience to a world audience through the issuance of postage stamps and postal stationery.
Almost all subjects chosen to appear on U.S. stamps and postal stationery are suggested by the public. Each year, Americans submit proposals to the Postal Service on literally thousands of different topics. Every stamp suggestion is considered, regardless of who makes it or how it is presented.

On the Postmaster General, the Citizens’ Stamp Advisory Committee (CSAC) is tasked with evaluating the merits of all stamp proposals. Established in 1957, the Committee is not an arm or mouthpiece of the Post Office. It is an advisory committee whose extensive live of regular stamps, approximately 25 to 30 new subjects for commemorative stamps are recommended each year. Stamp selections are made with all postal customers in mind, not just stamp collectors. A good mix of subjects, both interesting and educational, is essential.

Committee members are appointed and serve at the pleasure of the Postmaster General. The Committee is composed of 15 members who reflect a wide range of expertise in educational, artistic, historical and professional expertise. All share an interest in philately and the needs of the mailing public.

The Committee itself employs no staff. The Postal Service’s Stamp Development group handles Committee administrative matters, maintains Committee records and responds to as many as 50,000 letters received annually recommending stamp subjects and designs.

The Committee meets four times yearly in Washington, D.C. At the meetings, the members review all proposals that have been received for the current year. Four members actually attended this week.

In a split second, I would have voted to approve the breast cancer stamp. This stamp is on the calendar, approved by the Advisory Committee, and this advisory committee recommended the stamp to the Postal Service to be issued.

The stamp advisory committee, however, does not issue semipostals. One of the questions we need to face as a Congress is whether or not, given the fact we are now beginning to authorize semipostals for breast cancer research, semipostal, it would not be better for us to authorize the advisory committee of the Postal Service to be performing this important function.

The problem is that since the breast cancer research stamp has been authorized, we have had dozens of requests for a semipostal stamp. This is a list of some of the bills that have been introduced. These are just the bills that have been introduced for semipostal: AIDS research; Alzheimer’s disease research; prostate cancer research; emergency food relief in the United States; organ and tissue donation awareness; World War II memorial; the American Battle Monuments Commission; domestic violence programs; vanishing wildlife protection programs; highway-rail grade crossing safety; domestic violence programs—a second bill; another bill on organ and tissue donation awareness; childhood literacy; and several others.

Now in this bill we have another good cause which will politicize the issuance of stamps again in this country. We had taken politics out of it by the creation of an advisory committee. For 40 years this advisory committee, and this advisory committee made the recommendation to the Postal Service what commemoratives will be issued. They have not issued any semipostals nor were any issued by this country until the breast cancer research stamp was approved.

I do not believe there are too many of us who are in a position where we would want to vote against a stamp or anything else that could assist AIDS research, diabetes research, Alzheimer’s disease research, breast cancer research, or organ and tissue donation. Many of us have devoted a great deal of our lives to those and other causes such as the World War II memorial and the National Battle Monuments Commission.

The problem is that since the breast cancer research stamp was approved, I voted against it. I was one of the few who did. That created for me, and for others who voted no, the prospect that somebody would then say I opposed funds for breast cancer research, which obviously I do not.

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in the Governmental Affairs Committee, not because I oppose its cause, but, again, for what this is going to unlearn upon us in terms of policies—issuance of stamps and using the issuance of stamps to raise money for causes which will then be vying against each other. I do not think that is in anybody’s interest.

The one example on which I want to focus for a few moments is a proposal which has already been approved by the Governmental Affairs Committee, and that is what is called the Look, Listen, and Live Stamp Act. That bill requires the Postal Service to issue a semipostal stamp for an organization called Operation Lifesaver.

Operation Lifesaver is a nonprofit organization which is dedicated to highway and railroad safety through education. Operation Lifesaver seems to be a fine organization, but it is not the only organization which is committed to preventing railroad casualties. As a matter of fact, the railroad safety advocates are split on the issue of grade crossing safety and the best method to prevent rail-related injuries. Operation Lifesaver, for example, emphasizes safety through education, while other railroad safety advocates promote safety by funding automatic lights and gates at railway crossings.

After the Governmental Affairs Committee reported this stamp proposal, railroad safety organizations contacted my office to represent their disagreement. I take a look, listen, and live stamp” primarily because of the emphasis that one organization, Operation Lifesaver, puts on education and education only.

The president of a group called the Coalition for Safer Crossings wrote me the following letter:

Dear Senator Levin: I personally find Operation Lifesaver spin on education appalling. Three and a half years ago, I lost a very dear and close friend of mine at an unmarked crossing in southwestern Illinois. Eric was nineteen. I fought to close the crossing where Eric was killed and since helped many families of loved ones through my organization, the Coalition for Safer Crossings. And now today, we are moving forward with other smaller organizations to form a national organization to combat certain types of education being put out by many of our colleagues have introduced bills. The bill before us has such a provision. I believe the answer comes from Representative McHugh and Representative Fattah, who are the chairman and the ranking member of the House Government Reform Subcommittee on the Postal Service. They put their views in a bill, H.R. 4437, which passed the House of Representatives on July 17.

It gives the Postal Service the authority to issue semipostals. It requires the Postal Service to establish regulations, before issuing any stamp, relating to, first, which office within the Postal Service shall be responsible for making decisions with respect to semipostals; two, what criteria and procedures shall be applied in making such decisions; and three, what limitations shall apply, as whether more than one semipostal will be offered at any one time.

The McHugh bill also requires the Postal Service to establish how the costs incurred by the Postal Service as a result of any semipostal are to be computed, recovered, and kept to a minimum. One thing we learned from the breast cancer semipostal is that the Postal Service did not establish an accurate accounting system for tracking the cost of semipostals.

According to a recently released GAO report, “Breast Cancer Research Stamp, Millions Raised for Research, But Better Cost Recovery Criteria Needed”—that is the title of the report—the Postal Service did not track and segregate or involved in developing and selling the breast cancer research stamp. They kept track of some costs but were not able to determine the full costs of developing and selling the stamp. Postal officials obviously should keep track of both revenues and their full costs so that the appropriate net can be determined for delivery to that particular cause.

The McHugh bill is before this body. The McHugh bill, in addition to authorizing the issuance of semipostals by the stamp advisory committee, also reauthorizes the breast cancer research stamp. It does both things. I hope this body will take up this bill and adopt this kind of procedure in order to attempt to take this issue out of politics that put us in a position where we have to vote between a stamp raising money for AIDS research or diabetes research or Alzheimer’s research or prostate cancer research, organ and tissue donation research, the World War II Memorial, domestic violence, and on and on.

I doubt very much that we would want to vote no to any of those. Yet we cannot possibly have all of them at once. The Postal Service cannot possibly have all of them at once. The Postal Service cannot handle the accounting, the delivery to that particular cause.

I hope that when the bill comes before us, which I hope will be any time, we will reauthorize the breast cancer research stamp. Again, even though I voted against it, for the reasons I have given here this afternoon, nonetheless I think, given the fact that the stamps have been printed and that effort is already underway, and the huge number of people who have already involved in the sale, and the women and men from around this country who have gone out of their way to use that stamp are in
place—they have been operating; they have been very successful, very productive with millions of dollars that will be raised, the pluses of continuing to reauthorize that stamp, once it has been issued, and once that effort is underway, outweigh the negatives, which I had mentioned this afternoon.

At the same time, I hope that the rest of the McCurdy bill will be adopted by us so that we can put into place criteria which will make it a lot easier for us to have a sensible system for the issuance of such stamps.

Mr. President, on a matter that relates directly to this bill, because it is a Treasury bill, I want to just spend a few minutes talking about the issue of the budget surplus, and the response of the Congress to that budget surplus. I want to use, as my text, and then intersperse some comments into it, a memorandum that the Director of the Office of Management and Budget, Jacob Lew, wrote on the effect of congressional legislative action on the budget surplus. This is what the OMB Director wrote:

This memo is in response to your request that OMB assess the effect of legislative action on the projected surplus. Over the past six months, Congress has passed nine major tax cuts resulting in a cost of $732 billion over ten years. Draining this sum from the United States Treasury reduces the amount of debt reduction we can accomplish, thereby increasing debt service costs by $201 billion over ten years. Therefore, the Congressional tax cuts will draw a total of $913 billion from the projected surplus.

In addition, the Congressional majority has stated clearly that its tax cuts to date represent only a “down payment” in a long series of tax cuts it intends to realize. While there has been little specificity about the size and nature of the entire program, the full range of action taken by the 106th Congress, both last year and this, provides an indication of the total impact of the Congressional tax cut proposals on the surplus.

In fact, for the 106th Congress, the majority passed one large measure, which included a variety of tax cuts totaling $782 billion. Excluding certain individual tax cuts which were passed last year as well as last year (such as elimination of the estate tax and the marriage penalty), the cost of tax cuts passed last year amounts to $787 billion, and the additional debt service amounts to $148 billion for a total of $885 billion.

Jacob Lew goes on as follows:

The bill-by-bill approach to tax cuts in the absence of an overall framework masks the full impact and risks of the cumulative cost. In the absence of more specific indications about the content and number of future tax cuts the congressional majority has stated it plans to produce, we have used the total projected cost as associated with tax cuts from the 106th Congress as an illustration of Republican plans. If their plans remain consistent with the past activity, the full cost of this program would be:

- tax cuts of $1.4 trillion
- additional debt service of $349 billion
- for a total of $1.75 trillion

The effect of such tax cuts would be to completely eliminate the projected non-Social Security/Medicare budget surplus at the end of ten years. Even by the more optimistic projections the entire surplus would be drained. The most recent CBO projections issued earlier this week estimate a ten-year non-Social Security/Medicare surplus of $1.8 trillion. OMB’s recent projections estimate a ten-year non-Social Security/Medicare surplus of $1.5 trillion. Those are the options we are going to be facing in the next few months, whether or not we want to take this projected surplus of either $1.5 trillion or $1.8 trillion—we are only talking about the non-Social Security, non-Medicare surplus—which we want to take that surplus, which the CBO estimates at $1.8 trillion—OMB estimates is $1.5 trillion, and use that almost exclusively or exclusively for the tax cuts which have been proposed, or whether we want to use a significant part of that surplus to pay down the national debt. We may need to establish a new voluntary Medicare prescription drug benefit, to expand health coverage, to expand opportunity for college education, and to extend the life of Social Security and Medicare. I want to put in the RECORD in a moment the list of the pending tax cuts in the 106th Congress which Jack Lew referred to recently, approximately, in the 10-year cost. These are bills which have been passed by one body or another or one committee or another in one body: Marriage Penalty Conference Committee, $293 billion; Social Security tier 2 repeal, $117 billion; estate tax in the House $105 billion; the Patients’ Bill of Rights in the House, $69 billion; the communications excise tax, $55 billion; the Taxpayers Bill of Rights, $7 billion; then the subtraction for provisions in multiple bills and so forth. Then you have to add the interest costs of these tax cuts. That comes out to be about $900 billion.

I ask unanimous consent to print this list in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

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<tr>
<th>PENDING TAX CUTS IN THE 106TH CONGRESS—Continued</th>
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<td>(10-year cost, in billions of dollars)</td>
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<td>Tax Legislation (Body Passed):</td>
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Mr. LEVIN. Mr. President, there are problems with each of the major tax bills. I may spend a moment on each of those problems. On the estate tax bill, it has problems. There is an alternative which is a better alternative, which would help more people. For those who need this tax cut, the alternative Democratic plan would provide immediate relief—100 percent relief to people who have less than $8 million per couple for family farms and small businesses; total and immediate relief for those people in the alternative plan.

The bill which has been adopted has a major problem in that it favors upper income individuals, the wealthiest among us, and most of its benefits go to those people rather than the people who need it the most. Those who need this tax cut most are individuals and married couples who have estates that might be, in the case of a family farm or small business, $8 million or less. But there is a bigger problem, whether we are talking about reapproval of the estate tax or the marriage penalty tax. And there—regarding the marriage penalty, we have an alternative as well which would benefit a larger number of low and moderate income people with a greater benefit instead of a group of people who are at the upper end of the income level. The major problem I have with these tax bills is that when you put them all together, what it means is that we would not be able to apply this surplus to reduction of the national debt.

But that is not the case in our home States. I talk to people and ask people in all the meetings I have: What do you primarily want us to spend the surplus on? Do you want tax cuts—putting aside for the moment whether the benefit goes to the people who need it the most? The alternative plan provides immediate relief in the form of a special plan which would provide general relief to people who have estates in the range of $8 million or less. I think we all agree, whether we are talking about reapproval of the estate tax or the marriage penalty tax. And there—regarding the estate tax, the alternative Democratic plan would provide immediate relief—100 percent relief to people who have less than $8 million per couple for family farms and small businesses; total and immediate relief for those people in the alternative plan.

Overwhelmingly, repeatedly, I hear back from people, they want us to pay down the national debt. Whether we are talking about younger people, middle-age people, older people, they all come to the same conclusion: No. 1, we are sure that the surplus will be that large so don’t spend it all on anything, be it tax cuts or other programs. Spend most of it on protecting the future economy of the United States. Spend most of it on that $6 trillion debt that has been run up, reduce the amount of that debt to turn around and make sure that the economy, which we now have humming, will stay humming; that an economy which we finally have at a
point where we don’t add to the national debt with annual deficits each year, that is healthy in terms of interest rates and job creation and in low inflation, that that economy will be there for us next year, next decade, next lifetime. 

I believe that is what the American people overwhelmingly want us to do. We can argue, and we should, and we can debate, and we should, which estate tax proposal is a better estate tax proposal. That is a legitimate debate. We obviously have an alternative to the one that was adopted which is targeted to the people who need it the most, people who have farms and small businesses and estates worth up to $8 million, people who are still paying an estate tax even though it might mean in some cases that they could lose that family farm. Our alternative provides total relief to those families and immediate relief to those families, unlike the one that was passed which the Republican majority which gives most of its cuts to the people who need it the least, people who are in the higher brackets, higher asset levels, and phases it in and then only does it partially.

We should, and we do, debate those issues: Which alternative plans on the estate tax or on the marriage penalty tax provide the fairest kind of tax relief to the people who need it the most. But that, in my mind, was the wrong debate. I hope we will keep in mind, is whether or not we want to commit this projected surplus of almost $2 trillion in 10 years to any of these proposals to the extent that we have. Be it tax cuts or be it efforts to improve education or health care or what have you, it is my hope and belief that the greatest contribution we can make to our children and to their children is to protect this economy, to try to keep an economy, which is now doing so well, healthy in future years, which has been in the doldrums for the last few years. That means we need to protect that surplus, not spend it; not use it for tax cuts on the assumption that there is going to be $1.8 trillion or $1.5 trillion over the next 10 years, because there is too much uncertainty in that, because our people sense—and correctly—that we do not know for certain that that budget surplus will in fact be there.

There has been recent public opinion polling that seems to me illuminating on this subject. When people are asked whether or not they want to protect Social Security and Medicare and pay down the debt, or whether or not they think passing a tax cut is the better way to go, 75 percent believe we should be protecting Social Security and paying down the debt is the most important priority we have right now. Only 23 percent favor passing tax cuts as an alternative. When asked the question of whether or not the trillion-dollar tax cut package that was passed last year, without a penny for Medicare, and whether or not the tax cuts that are being added this year to the same amount, still without a penny for Medicare, is the better way to go, 63 percent say no, 32 percent say yes.

So the public senses that with the surplus we have, the proportion we project, the best thing we can do to pay down debt, the best thing we can do with that projected surplus is in fact to pay down the debt, protect Medicare, and to target our efforts on some of the needs we have as a country, rather than to provide for the kind of tax cuts that we have seen the Republicans enact.

What I have said about the estate tax is also true relative to the marriage penalty bill. We have two alternatives—the one that passed, but we also have an alternative that did not pass, which provides targeted, comprehensive relief and is fiscally more responsible because it leaves more for debt reduction and, therefore, overall is a better value for the American taxpayer. The alternative completely eliminates the penalty in all of its forms, not just in a few, as the marriage tax penalty legislation we passed does. The Democratic alternative eliminates it for couples earning up to $100,000, which is 80 percent of all married couples, $99 billion per year when fully phased in.

The plan that was adopted, the Republican plan, confers 40 percent of its benefits on taxpayers who currently suffer a penalty. In other words, only 40 percent of the benefits of the Republican plan go to taxpayers who currently actually suffer a penalty. The rest of the people who get a benefit in the Republican plan either don’t suffer a penalty—indeed they received a bonus when they got married—or are left untouched one way or another. And the Republican plan addresses only 3 of the 65 instances of the penalty in the Tax Code, whereas the Democratic alternative plan addresses every place in the Tax Code where the marriage penalty exists. And the Republican plan costs $40 billion when fully phased in as compared to $29 billion per year for the alternative Democratic plan.

So, again, it seems to me it is a pretty clear choice that we have: Do we want a plan that is targeted to people who earn under $100,000, that confers benefits on people who are truly penalized when they are married, in terms of the tax code where the marriage penalty exists. And the Republican plan costs $40 billion when fully phased in as compared to $29 billion per year for the alternative Democratic plan.

The Social Security system, which has made such a difference for so many that the poverty rate among seniors is now 5 percent, compared to the poverty rate among children, which is 20 percent, mainly because of the existence of Social Security—that program belongs to the people of the United States. Protecting that program is also our responsibility. So to say that, yes, the surplus belongs to the people is true. But the Medicare program, Social Security program, health care program, education program also belong to the people of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I come to the floor today to discuss moving to the Treasury-Postal appropriations bill. I agree with the Majority Leader and others who have come to the floor this year to insist that we do the people’s business, and that the people’s business means completing all of the appropriations bills.

There are several very important amendments that will be proposed to this legislation, and we must give them the time and consideration they deserve. I may well vote against the
Treasury-Postal appropriations bill in the end, but I recognize the importance of taking it up, considering it, and getting it done.

We have got to take care of the unfinished business.

We have more appropriations bills to consider, and we have other business as well, as my colleagues are well aware. I find it interesting to look at some of the other measures we have considered, and still might consider, this year.

I am talking about priorities—what we get done on this floor, and what gets ignored.

As I said, it is essential that we pass these appropriations bills—they are the core of the people’s business, because they keep the government up and running.

But beyond bills like Treasury-Postal, what are we choosing to do?

Recently, we chose to consider a repeal of the estate tax. As I said during that debate, the estate tax affects only the wealthiest property-holders. In 1997, only 42,901 estates paid the tax. That’s the wealthiest 1.9 percent. People are already exempt from the tax in 98 out of 100 cases. Let me repeat that: Already, under current law, 98 out of 100 do not pay any estate tax.

The Republican estate tax repeal would apply to the wealthiest 2,400 estates—the ones that pay now half the estate tax—an average tax cut of $3.4 million each. And remember, 98 out of 100 people would get zero, nothing, from this estate tax cut.

Now, this doesn’t sound like something most Americans are clamoring for.

It is of no use to most Americans, in fact. But it is of use to a very small— but wealthy—group of people.

Those who are wealthy enough to be subject to estate taxes have great political power.

They can make unlimited political contributions, and they are represented in Washington by influential lobbyists that have pushed hard to get the estate tax bill to the floor.

The estate tax is one of those issues where political money seems to have an impact on the legislative outcome. That’s why I recently called the Bankroll on some of the interests behind that bill, to give my colleagues and the public a sense of the huge amount of money at stake—not taxes, but political contributions.

We considered that bill not because it affected the vast majority of Americans, but because it directly affected the pocketbooks of a wealthy few.

A similar point can be made about another piece of legislation, the H–1B bill.

We haven’t considered it yet, but we may well yet, and so far a terrific effort has been made by both sides to see it taken up.

Why? Why, when we have more appropriations bills to consider, when we have the real people’s business to do, are we pushing so hard to take up H–1B?

Because the high-tech industry wants this bill to get done.

In the case of H–1B, I’m not addressing the merits of the legislation—I am not necessarily opposed to raising the level of H–1B visas. Instead I want to point out our agenda and why? Why is it that we are considering this set of legislation as part of our agenda?

The high tech industry wants to get this bill passed, and they have the political contributions to back it up.

H–1B Legal Immigration, a coalition which formed to fight for an increase in H–1B visas, offers a glimpse of the financial might behind proponents of H–1Bs. ABLI is chock full of big political donors, and not just from one industry, but from several different industries that have an interest in bringing more high-tech workers into the U.S.

Price Waterhouse Coopers, pharmaceutical company Eli Lilly, telecommunications giant and former Baby Bell South and software company Oracle, to name just a few. All have given hundreds of thousands of dollars in this election cycle alone, and they want us to pass H–1B.

We all know this.

This is standard procedure these days for wealthy interests—you have got to pay to play on the field of politics. You’ve got to pony up for quarter-million dollar soft money contributions and half-million dollar issue ad campaigns, and anyone who can’t afford the price of admission is going to be left out in the cold.

I call the Bankroll to point out what goes on behind the scenes on various bills—the millions in PAC and soft money that wealthy donors give, and what they expect to get in return.

And yet we don’t do anything about it.

We took a small but important step toward better disclosure of the activity money also plays earlier this summer when we passed the 527 disclosure bill. But there is a great deal more to do.

We are going to keep pushing until we address the other gaping loopholes in the campaign finance law.

Right now, wealthy interests have the power to help set the political agenda.

Wealthy interests spend unlimited amounts of money to push for bills which serve the interests of the wealthy at the expense of most Americans.

We have got to question why consider some bills on this floor while we ignore so many crucial issues the American people care about—like increasing the minimum wage and supporting working families.

But instead we are left with an agenda that looks like wealthy America’s “to do” list.

How does it happen, Mr. President?—It’s all about access, and access is all about money.

Both parties openly promise, and even advertise, that big donors get big access to party leaders.

Weekend retreats and other “special events” where wealthy individuals have the chance to talk about what they want done—whether that might be a repeal of the estate tax, or that their company wants to see the H–1B bill passed this year.

Needless to say, that is the kind of access most Americans can’t even dream of.

And I have to wonder why we aren’t doing anything about that.

Both parties are for the people’s business, and right now the people’s business should be the Treasury-Postal Appropriations bill, and that’s why I support the motion to proceed, even though I may well vote against the underlying bill in the end.

But I don’t think that an issue like the repeal of the estate tax is the people’s business—not 98 out of every hundred people, anyway.

We need to get at the heart of what is wrong here.

Our priorities are warped by the undue influence of money in this chamber.

We have got to change our priorities, and do it now, by putting campaign finance reform back on the agenda.

Because the best way to loosen the grip of wealthy interests is to close the loophole that swallowed the law: soft money.

Soft money has exploded over the past few years.

Soft money is the culprit that brought us the scandals of 1996—the selling of access and influence in the White House and to the Congress. The auction of the Lincoln Bedroom, of Air Force One, of the White House coffees.

All of this came from soft money because without soft money, the parties would not have to come up with ever more enticing offers to get the big contributors to open their checkbooks. Soft money also gives us time and time again, questions about the integrity and the impartiality of the legislative process. Everything we do is under scrutiny and subject to question because major industries and labor organizations are giving our political parties such large amounts of money. Whether it is telecommunications legislation, the bankruptcy bill, defense spending, or health care, someone out there is telling the public, often with justification in my view, that the Congress cannot be trusted to do what is best for the public interest because the major affected industries are giving us money.

For more than a year now, I have highlighted the influence of money on the legislative process through the Calling of the Bankroll. And the really big money, that many believe has a really big influence here, is soft money. We have to clean our campaign finance house and the best place to start is by getting rid of soft money.

Let’s play by the rules again in this country. With soft money there are no rules, no limits. But we can restore some sanity to our campaign finance
system. When I came to the Senate, I will confess, I didn’t even really know what soft money was. After a tough race against a very well financed opponent who spent twice as much as I did, I was mostly concerned with the difficult task of making sure the Senate kept wealthy hands out of running for office. My interest in campaign finance reform derived from that experience. Soft money has exploded since I arrived here, with far reaching consequences for our elections and the functioning of the Congress. Now I truly believe that if we can do nothing else on campaign finance reform, we must stop this cancerous growth of soft money before it consumes us.

I will take a few minutes to describe to my colleagues the growth of soft money in recent years. It is a frightening story. Soft money first arrived on the scene of our national elections in the 1980 elections, after a 1978 FEC ruling opened the door for parties to accept contributions from corporations and unions, who are barred from contributing to federal elections. The best available estimate is that the parties raised under $20 million in soft money in that cycle. By the 1992 election, the year I ran for the Senate, the FEC estimated that the two major parties had raised over $86 million. Eighty-six million dollars is clearly a lot of money; it was nearly as much as the $110 million that the two major parties had raised in 1992 in public financing from the U.S. Treasury. And there was real concern about how that money was spent. Despite the FEC’s decision that soft money could be used for activities such as get out the vote and voter registration campaigns without violating the federal election laws’ prohibition on corporate and union contributions in connection with federal elections, the parties spent much of their soft money to be spent in state and local races and in presidential elections conducted in 1996.

What’s the significance of all of this? Well, for starters we are living this lie in the election for the most important office in the world’s oldest democracy. The lie will result in some $100 million or more in huge corrupting contributions being illegally used by Gore and Bush in the 2000 presidential election. (Many millions more will be illegally used in the 2000 congressional races.)

Wertheimer’s article, “Gore, Bush, and the Big Lie,” was printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

(From the Washington Post, July 24, 2000)

GORE, BUSH, AND THE BIG LIE

(By Fred Wertheimer)

Vice President Al Gore and Gov. George W. Bush and their presidential campaigns are living a lie. The lie is this: that the TV ads now being run in presidential battleground states across America are presidential campaign ads being run for the unequivocal purpose of directly influencing the presidential election.

Wertheimer goes on to say:

The “issue ad” campaigns now underway blatantly promote and feature Gore and Bush, and are conducted by the Gore and Bush presidential campaigns and are targeted to run in key battleground states. The political parties are merely conduits for the scheme and cover for the lie.

What’s the significance of all of this? Well, for starters we are living this lie in the election for the most important office in the world’s oldest democracy. The lie will result in some $100 million or more in huge corrupting contributions being illegally used by Gore and Bush in the 2000 presidential election. (Many millions more will be illegally used in the 2000 congressional races.)

The lie makes a mockery of the common-sense intelligence of voters and the honesty of the political parties. Nearly everyone who is in this room today is dedicated to the preservation of the American political system and sees the lie and the legal fiction on which it is based. Soft money had been a problem prior to 1995, but no presidential candidate had ever tried to use soft money to finance a TV ad campaign promoting his candidacy. That’s not because politicians weren’t clever enough to think of this, but because every-}

Then President Clinton and his staff invented a scam for the 1996 election: They would use the Democratic Party as a front for a “second party” running a TV ad campaign promoting his candidacy. This $50 million second campaign would use soft money—funds that the law does not allow in a presidential campaign—to run ads that, if run by Clinton campaign would be labeled Democratic Party “issue ads.”

It didn’t take long for the Republican presidential candidate, Bob Dole, to catch on. Today, four years later, the “issue ads” lie is standard political practice in presidential and congressional races.

The lie is built on the legal fiction that under Supreme Court rulings, political party ads are not covered by federal campaign finance laws unless they contain such magic words as “Advocacy of Voting for” or “Against” a specific federal candidate. That’s supposed to be true even if the party ads promote a specific federal candidate and even if the ads are coordinated with or controlled by the candidate.

But the reality is that neither the Supreme Court nor any other federal court has ever said anything of the kind regarding political party ads. When the Supreme Court established the “magic words” test in Buckley v. Valeo, it made explicit that it was for outside groups and non-candidates only and did not apply to communications by candidates or political parties. And in any case, those words were incomprehensible when an ad campaign is conducted in coordination with a federal candidate, as a Washington federal district court confirmed last year.

The Justice Department, in its failure to pursue the 1996 Clinton soft-money ads, never found the ads to be illegal. Instead, Attorney General Reno closed the case based on the Clinton campaign’s reliance on its lawyers’ advice, which she said was “sufficient to negate any criminal intent on their part.”

The general counsel of the Federal Election Commission did find that the 1996 soft-money ads were illegal. The commission, however, by a 3-3 tie vote, refused to proceed with an enforcement action. Thus we are left today with enforcement authorities that refuse to act against these soft money ads and, at the same time, refuse to say they are legal. And the lie goes on.

Mr. FEINGOLD. Mr. President, the big lie led to the transformation of our two great political parties into soft money machines. And what was the effect of this enormous soft money? Other than the millions of dollars available for ads supporting presidential candidates who had agreed to
run their campaigns on equal and limited grants from the federal taxpayers? Soft money is raised primarily from corporate interests who have a legislative axe to grind. And so the explosion of soft money brought an explosion of influence in this Congress and in the Administration.

Here are some of the companies in this exclusive group. We know they have a big interest in what the Congress does—Philip Morris, Joseph Seagram & Sons, RJR Nabisco, Walt Disney, General Electric, Federal Express, MCI, the Association of Trial Lawyers, the NEA, Lazard Freres & Co., Anheuser Busch, Eli Lilly, Time Warner, Chevron Corp., Archer Daniel’s Midland, NYNEX, Teletext Inc., Northwest Airlines. It’s a who’s who of corporate America, Mr. President. They are investors in the United States Congress and no one can convince the American people that these companies get no return on their investment.

That much too big an say, in what we do. It’s that simple, and it’s that disturbing. That’s why our priorities are so out of whack, Mr. President. We should be going to the Treasury-Postal appropriations bill, and that’s why I support the motion to proceed, despite the fact that I may vote against it when all is said and done. I recognize we have to focus on what people want, not what wealthy interests want.

And when I first began Calling the Bankroll last year, we knew, if we are honest with ourselves, that campaign contributions are involved in virtually everything that this body does. Campaign money is the 800-pound gorilla in this chamber every day that nobody talks about, but that cannot be ignored. All around us, and all across the country, people notice the gorilla. Studies come out on a weekly basis from a variety of research organizations and groups that lobby for campaign finance reform that show what combinations and groups that lobby for campaign finance reform that show what our priorities or not. Why aren’t we getting the spotlight on facts that reflect poorly on our system. I truly believe that we must do much more than ban soft money to fix our campaign finance system. But if there is one thing more than any other that must be done now it is to ban soft money. Otherwise the soft money loophole will completely obliterate the Presidential public funding system, and lead to scandals that will make what we saw in 1996 seem quaint. 

I have chosen not to remain silent, Frankly, it is all the more reason for Americans to question our integrity, whether those donations have an impact on our decisions or not. They question our integrity, and we give them reason. Why aren’t we getting their business done? I say let’s get the business done—let’s agree to move to Treasury-Postal, whether we support that bill in the end or not. And then let’s move on to the other pressing issues before us—not tax cuts for the wealthy, but real priorities like campaign finance reform.

Let’s put a stop to the soft money arms race that escalates every day, and involves more and more Members of Congress. I do not know how many of my colleagues are actually picking up the phones across the street in our party committee headquarters to ask corporate CEOs for soft money contributions. But no one here can deny that our parties are asking us to do this. It is now part of the parties’ expectations that a United States Senator will be a big solicitor of soft money.

Consider the soft money raised in recent off-election years. In 1994, the parties raised a total of $101.7 million. Only about $18.5 million of that amount was raised by the congressional and senatorial campaign committees. That’s nearly half of the total soft money raised by the parties.

Half the soft money that the parties raised in the last election went to the campaign committees for members of Congress, as opposed to the national political parties. Committees. Let’s agree to move to Treasury-Postal- Appropriations bill, vote yes or no, time. Let’s move to the Treasury-Postal Appropriations bill, vote yes or no, and then let’s do what we have to get done.

When we define what we need to get done this year, let’s get serious. It is not the estate tax, and it’s not the H-1B bill. It’s banning soft money, it’s banning soft money.
This organization, called the Committee for Economic Development, issued a report and proposal urging reform, including the elimination of soft money.

One might guess that this group of people, who are in the position to use the soft money system to their advantage, would not dream of calling for reform.

But the soft money system cuts both ways—it not only allows for legalized bribery of the political parties, it also allows for the extortion of money donors, who are being asked to give more and more money every election cycle to fuel the parties’ bottomless appetite for soft money.

But it isn’t just weariness at being shaken down that led CED members to call for reform of our broken campaign finance system. Let me quote from the CED report, which stated their concern so well:

Given the size and source of most soft money donations, the public cannot help but believe that these donors enjoy special influence and receive special favors. The suspicion of corruption diminishes public confidence in government.

The bigger soft money contributions get—and the amounts are truly skyrocketing—the more damaging the effect on the public’s perception of our democracy.

I applaud CED for its commitment to restoring the public’s faith in government by calling for a soft money ban. And CED is just one part of a growing movement to call on this body to clean up our campaign finance system.

One of the most inspiring leaders of the reform movement is not any business leader, or political figure for that matter. She is a great grandmother from Dublin, New Hampshire named Doris Haddock. Doris, known affectionately as Granny D, walked clear across the United States at age 90 to insist that Congress pay attention to reform issues.

She walked across mountains and desert, in sweltering heat and freezing cold, to make her point. And along the way she inspired thousands of others to speak up about the corrupting influence of money in politics, and demand action from Congress. I was proud to have her support for the McCain-Feingold bill, and I am thrilled to have such a devoted ally on this issue.

The fight for reform is also gaining tremendous strength from religious organizations that are reaching out to educate and mobilize their congregations about the issue.

Support from religious organizations includes the Episcopal Church, Church Women United, the Lutheran Office for Governmental Affairs, the Evangelical Lutheran Church of America, the Church of the Brethren’s Washington Office, the Mennonite Central Committee’s Washington Office, the National Council of Churches of Christ in the USA, the Union of American Hebrew Congregations, the United Church of Christ’s Office for Church in Society, the United Methodist Church’s General Board of Church and Society, and NETWORK—a national Catholic social justice lobby.

Reform has the vital support of environmental groups like the Environmental Defense Fund, Friends of the Earth, and The Sierra Club, and the backing of seniors groups like AARP and the Gray Panthers.

The support for reform in this country is strong, it is vocal, and is truly broad-based. The support of consumer watchdogs like the Consumer Federation of America, health organizations like the American Heart Association, children’s groups such as the Children’s Defense Fund, and of course the support of groups like Common Cause and Public Citizen, which have been fighting a terrific fight against the undue influence of money in politics for decades.

And I could go on. We are talking about people from every walk of life, and not just those who have estates of more than $100 million dollars.

That is our challenge. Let’s address the people’s real priorities. Let’s do the people’s business, and let’s get started right now.

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.

Under the rules, once a quorum is called off, if nobody seeks the floor, is it the requirement that the Chair put the question?

The PRESIDENT pro tempore. That is correct.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I simply cannot understand what is going on. I wish someone would tell me. I think we had a unanimous vote a little earlier here on the motion to invoke cloture on the motion to proceed to consider the Treasury-Postal Service appropriations bill. Why don’t we vote? Why don’t we vote?

As the ranking member on the Appropriations Committee, I can say to my colleagues that Senator Ted Stevens and I—the chairman and I—and the various chairmen and ranking members of the subcommittees on Appropriations have worked hard—to bring these appropriations bills to the Senate floor. We need
to get on with acting on these appropriations bills so that we can send them to the President.

I can tell you what is going to happen. I have seen it happen all too often in recent years. We don’t get the appropriations to the President one by one, so that he can sign them or veto them, which he has a right to do. What we do is delay and delay and delay. As a result, when the time comes that the leaders and Senators have the bills before their wall, and there is a last run on to finalize the bill, Senators can go home and the Senate can adjourn sine die, then everything is crammed into one big bill, one omnibus bill.

I am telling you, you would be amazed at what happens in the conferences. You would be amazed to see what occurs in those conferences. Entire bills are sometimes put into the conference report—entire bills, bills that may or may not have passed either House or the Senate, and bills that may or may not have been acted on there also. The executive branch has its representatives there. They are there for the purpose of getting administration measures or items that the executive branch wants put into those conferences. The items may or may not have had a word of debate in either House. Neither House will have had an opportunity to offer amendments on bills or to debate measures, and yet those measures will be put, lock, stock, and barrel, into the conference reports.

Then the conference report comes back to the Senate, where Senators cannot vote on amendments to that conference report. So Senators, as a result, have no opportunity to debate these matters that are crammed into the conference reports in those conferences. They will have had no opportunity to debate them. They will have had no opportunity to amend them. They will have had no opportunity to vote on parts thereof. Yet Senators in this Chamber are confronted, then, with one package, and you take it or you leave it. You vote for it or you vote against it.

We have experienced that on a number of occasions. When we were considering the fiscal year 1997 appropriations, we had a conference report on the Defense Appropriations Bill and five additional appropriations bills were crammed into that conference report. Five appropriations bills. I believe two of them had never been taken up in the Senate. I believe two of them had had some debate, had been brought up, but had not been finally acted upon.

I intend at a future time to have all of this material researched so I can speak to it. Today, I recall there were five appropriations bills crammed into that conference report on the DOD Appropriations Bill. It was brought back to the Senate where Senators were unable to act on it and have votes on parts of it. And if Senators think that was bad, in fiscal year 1999, eight different appropriations bills were put into the final omnibus package. In addition thereto, a tax bill was put into that package in the conference. I believe that tax bill involved about $9.2 billion. That was put into the conference report. It had never had a day, an hour, or a minute of debate in this Senate, and Senate amendments offered to it. Eight appropriations bills and a tax bill were all wrapped into one conference report in FY 1999, tied with a little ribbon, and Senators were confronted with having to vote for or against that conference report—take it or leave it!

That was right at the end of the session when many Senators wanted to go home. They had town meetings scheduled: they wanted to go home. When that kind of circumstance arises, we are faced with a situation of having to vote on a bill that may contain thousands of pages which we have not had an opportunity to read. As I remember, there were 3,980 pages in that conference report in fiscal year 1999. If the people back home knew what we were doing to them, they would run us all out of town on a rail. And we would be entitled to that honor, the way we do business here. All we do is carry on with continual war in this body, continual war, each side trying to get the ups on the other side. It isn’t the people’s business we are concerned with. It is who can get the best of whom in the partisan battles that go on in this Chamber.

A lot of new Members come over from the House where they are accustomed, I suppose, to being told by their leaders what to do and how to do. Others come here fresh from the stump. I suppose they feel this is the way it has always been done. They don’t know how it used to be done. They don’t know that there was a day when we used to have conferences, and it was the rule that only items could be discussed in conference which had passed one or the other two bodies. Nothing could be put into a conference report that had not had action in one or the other of the two bodies. Otherwise, a point of order would lie against it.

I can assure you, those of you who are not on the Appropriations Committee, you ought to see what goes on in the conferences. Bills that have never passed either body, measures that have never passed either body, measures that are only wanted by the administration, are brought to that conference and are crammed into that conference report. The conference report comes back to the Senate. It is unamendable, and we have to take it or leave it. That is no way to do business.

I regret that it has come to this, and we are getting ready to do it again. I see the handwriting on the wall. Those of you who have read the book of Daniel will remember Belshazzar having a feast with 1,000 of his lords. They drank out of the vessels that had been taken from the temple in Jerusalem and brought to Babylon. And as they were eating and drinking and having fun, Belshazzar saw a hand appear over on the wall near the candlestick. And he saw the handwriting: mene, mene, tekel, upharsin. So he sent for his wise men, his astrologers, and his magicians, and wanted them to tell him what this writing meant. They couldn’t do it. But the Queen told Belshazzar that there was a young man in the kingdom who could indeed unravel this mystery. His name was Daniel. He told the King what was meant by the handwriting on the wall: “God hath numbered thy kingdom, and finished it. Thou art weighed in the balances, and art found wanting. Thy kingdom is divided, and given to the Medes and the Persians.” And that night, Belshazzar was slain and the Medes and the Persians took the kingdom.

I see the handwriting on the wall: mene, mene, tekel, upharsin. I see the handwriting. We have voted unan¬imously in this Chamber to proceed to take up the appropriations bill making appropriations for the Department of Treasury-Postal and so forth, but we are not going to vote on that. I have asked questions around: What is the purpose of this bill? Is it just to give the President the way he wants it? No, that is no intention to vote on that today. We have another cloture vote coming up within a few minutes. If that cloture motion is approved, the Senate will then take on that subject, and the Treasury-Postal appropriation bill will go back to the calendar. We are not going to take it up. There is no intention of voting on that bill, no intention. It will go back on the calendar.

Then what will happen? I see the handwriting on the wall. We will go to conference one day when we get back from the August recess. We will go to conference one day on another appropriations bill, and everything will go on that appropriations bill. I wish Daniel were here today so he could tell me exactly what the handwriting on this wall really means, but I think I know what it means. It means this bill isn’t going to see the light of day until after the recess, and probably not then. In all likelihood, the Treasury-Postal Service bill will be put on a conference report, maybe on the legislative appropriations bill. This bill will go on that. As time passes, more and more appropriations bills will likely go on that conference. Then we will get another conference report back here that is loaded—loaded—with appropriations bills. We won’t know what is in them. We Senators won’t know what is in those bills. We didn’t know what was in the 3,980-page conference report in fiscal year 1999. We voted for it or against it blindly. I voted against it. I didn’t know what was in it. That is what we are confronted with.

The American people, I think, are going to write us off as being irrelevant. We don’t mean anything. We just stay here and fight one another and try to get the partisan best of one another.
Democrats versus Republicans, Republicans versus Democrats. Who can get the ups on the other side. The people will say we can go to hell. That is the attitude here. Hell is not such a bad word. I have seen it in the Bible, so I perhaps will not be accused of using bad language here. But that is what we are in for. That is the handwritting on the wall. We are going to replay the same old record and have these monumental conference reports come back here, unamendable, and we take them hook, line, and sinker, one after another, over and over again that we have played all too often. I am just sick and tired of that. I am just being honest. We are all caught in this. I am sure the American people can’t look at this body and expect we will make these enormous concessions about the number of amendments, the scope of amendments, and the type of amendments. That is operational procedure that is frequently associated with the other body but which defies the tradition and with respect to substantive legislation and with respect to appointments by the President to the judiciary and other appointments.

That is why we believe we are here in these doldrums. The lights are on. We are assembled, but we are not moving forward. I think we have to begin to look at what we are doing and why we are doing it. Perhaps that is the most useful aspect of this discussion this afternoon—because I hope that eventually we can emerge from these doldrums and begin to, once again, take initiatives to act in a reasonable and timely fashion leading to votes after debate. Some may go the way we want. Some may not. But in the grand scheme of things, when we are debating and bringing the principles of the debate to conclusion, we are discharging the responsibility that the American people entrusted to us when they elected us to the Senate.

There are many examples of what we could be doing if we adopted this approach. For example, I would like to introduce with respect to this Treasury-Postal bill regarding the enforcement of our firearms laws in the United States.

We hear time and time again particularly by the opponents of increased gun safety legislation—that all we have to do is enforce the laws. Yet in the past we have seen the erosion of funds going to the ATF for their enforcement policies. I must say that this Treasury-Postal appropriations bill has moved the bar upwards in terms of funding appropriate gun safety programs, and I commend the Chairman and Ranking Member for their effort. But there are two areas in which they have failed to respond. One is the youth crime gun interdiction initiative by the ATF.

I would request in my amendment an additional $6.4 million, which would bring it up to the funding requested by the President. This, to me, is an absolute critical priority. So critical is the sense of making sound public policy, but critical because in every community in this country we are astonished.
by the ease of access to firearms by youngsters. We are horrified by the results of this access to firearms.

A few weeks ago in Providence, RI, we were absolutely devastated by the murder of two young people. They had been staying with friends that evening at a night club. They left. One youngster was working and the other was a college student. They were both golfing courses on the outskirts of Providence. Then they were brutally killed with firearms.

Where did these accused murderers get these firearms? It is a confused story. But there was an adult, apparently, who had lots of weapons. Either they were stolen from this individual, or he lent the firearms to one of these young men. But, in any case, this is one of those searing examples of young people having firearms being desperate, being forced to use them to kill two innocent people.

The program, which is underfunded in this appropriations bill, would authorize the ATF to work with local police departments to develop tracking reports to determine the source of firearms in juvenile crimes.

There was some suggestion initially and anecdotally that most of these firearms were stolen, but then preliminary research suggested not; that, in fact, there is an illegal market for firearms in the hands of young people who, in turn, used them to kill other young people.

It would be extremely useful if we knew collectively and not only individually how these weapons moved through our society, because without this knowledge it is very hard to create counterstrategies.

That is one important aspect—these trace reports—for appropriations that I will seek to move today with respect to appropriations.

Indeed, the Senate Appropriations Committee report emphasizes the importance of the partnerships that are underlying this initiative, and underlying also the ability to deal with the incidents of youth firearm crimes. In their report they say:

The partnership between ATF and local law enforcement agencies in these communities is invaluable to the mutual effort to reduce gun-related crimes. The tracing information provided by ATF not only allows local jurisdictions to target illegal commerce by re-enforcing criminal investigations likely to achieve results, but also gives ATF the raw data to be able to investigate and prosecute the illegal source of these crimes.

Frankly, the committee recognizes that this is a useful initiative. I would like to see it fully funded. That is something we could be talking about. Indeed, I hope we can move to incorporate that bill that is before us.

There is another important firearms enforcement measure that was not funded by the committee which I would like to see funded, and that is the national integrated ballistics information network. I would like to see that appropriation moved up by $11.68 million to meet the President’s request. This would integrate two systems that try to identify the specific ballistic characteristics of the bullets based upon their ballistic characteristics so they can be more useful in investigating crimes.

The ATF has an integrated ballistics identification system, which is called in shorthand IBIS. The FBI has what they call the "identikit" ballistic system. I have seen demonstrations of these systems. They are remarkable. They recover aslug at a crime scene. They take it to a lab, which has the computer equipment that is designed to identify the characteristics of the particular slug that is being examined and then, through their data banks, match it up with a known group of slugs, make a positive identification, and the arrest can be made in many cases, to the arrest, or certainly to the identification of the weapon that was used. It is very similar to fingerprinting, with which we are all familiar.

We have these two systems. They work very well independently. But they would work much better if their databases were combined; if the source was engineered to cooperate and work interdependently. That is what this appropriation would do.

We have seen success already. Both of these systems, working independently, have produced more than 8,000 matches and 16,000 cases. For the first time we can identify from a crime scene, match it up with known weapons, leading, hopefully, to arrests and ultimately conviction. In a way, it is not only like fingerprints, it is like DNA, like all the scientific breakthroughs we have been able to use to more effectively enforce the laws and bring lawbreakers to justice.

I hope we can use this system more effectively by integrating the two programs, the ATF program and also the FBI program.

One of the reasons I am offering this amendment is to ensure we have the money this year. There is a 24-month proposed schedule for the deployment of this system. The work has been done, the plans have been done, but if we do not appropriate sufficient money in fiscal years 2001 and 2002, then we jeopardize this entire schedule.

We will create a situation in which, again, when we ask why the American people get so frustrated with government, the situation in which we have been planning, we have been expending money, we can only move forward on an initiative that will materially aid law enforcement authority, and then we stop short and go into a hiatus for a year, and maybe at the end of the year start again. But, more likely, we will be more expensive, and we will lose months or years in terms of having effective tools for our law enforcement authorities.

That is one of the frustrations. It is frustration based upon our inability to build and develop and be able to move away, these nominees will go away, these nominees will go away, in 6 or 9 months. I don’t think that is what the American people want Congress to do. They want Congress to either approve or disapprove, but they want Congress to act.

Mr. BENNETT. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. BENNETT. Mr. President, the Senator has talked about the present situation we are in. Is the Senate aware that the majority leader tried to move the Senate toward consideration of this bill as long ago as last Friday and it was objected to by the minority? Mr. REED. I am aware of that. It is one of the situations where, after months and months of trying to accommodate, mutually, the desire and the recognition of getting things done, at some point when we see no movement with respect to our constitutional obligation to confirm judges, no real movement, when we see the elementary and secondary education bill that has been put out to languish and perhaps not to see the light of day for the rest of the year, when we see a provision in which the price of bringing a bill to the floor is an agreement to surrender the rights of individual Senators to amend that legislation, to make that amendment
But that is not how it is working. These magnanimous offers of bringing up a couple of judges—I believe I saw yesterday where three judges from Arizona were just nominated by the President, and they already have hearings scheduled. We have other judges who were not even on the shortlist, and they have not even had a hearing, a year later. Some magnanimous gestures by the majority leader are self-servicing and ultimately had to be rejected by the minority.

I respect the floor, but I will continue my discussion on some other points.

Mr. BENNETT. I will respond at a later time.

Mr. REED. The youth crime gun interdiction initiative and the national integrative ballistics information network are important issues. Those are the issues we are talking about. They are a subset of what I argue is the larger issue.

The larger issue: Is the Senate going to be the Senate? Or is it some type of smaller House of Representatives where the leadership dictates what is coming to the floor, what judge’s name might come up, what bill might come up, when, where, and in what form?

That, I think, is the key point.

Let me take up another key point in terms of the demonstration of why we are not doing our duty. We have before the Senate a very difficult vote on extending permanent normal trade relations to China. It is a very difficult vote. We know that. It is a vote that bedeviled the House of Representatives. It was controversial. It was difficult. But after intense pressure and vigorous debate, the House of Representatives brought it to a conclusion and voted.

Now that measure is before the Senate. It is controversial. It is, like so many other things, languishing. It could have been accomplished weeks ago. The business community would argue vociferously it should have been accomplished weeks ago. It has been couched in many terms, but one term I think is most compelling is that it is a critical national security vote. It is a critical national security vote. Yes, it is about trade. Yes, it is about economic impacts within the United States and around the world. But it is also about whether or not we will continue to be a critical component of engagement with China, or if we reject it, or if we delay it indefinitely and open up the distinct possibility of confrontation and competition with China.

Yet this critical national security vote, this critical vote which is probably the No. 1 objective of the business community in this country, again languishes.

Some would say there are reasons. We want to talk to Senator Thorn-__son’s and Senator Torricelli’s amendment about proliferation. But, again, it is symptomatic of a situation in which the Senate is not responding as it should to its constitutional and to its public responsibilities because of the political calculus.

Our side is not immune to political calculation. But the leadership of this body has created a situation in which the Senate is operating in a way that is bedeviling the business leaders of America, from the safety of our streets; the funding of the appropriations bills for law enforcement when it comes to firearms. There might be amendments that are important to the American people because there might be amendments that are uncomfortable for consideration by some in this body.

Mr. BENNETT. Will the Senator yield?

Mr. REED. Reclaiming my time, especially the Senator for almost a year and their names are not coming to the surface. That is symptomatic of a situation in which the Senate is not responding as it should to its constitutional and to its public responsibilities because of the political calculus.

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Mr. BENNETT. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. BENNETT. Is the Senator aware the majority leader has an agreement with the minority leader whereby a number of judges would, in fact, be confirmed and that the agreement was accepted by both sides, only to have the minority leader come forward and say to the Senate. Certainly the management of the Senate is within the grasp and the control immediately of the majority leader and the majority. That control has been deliberately, I think, to thwart the nomination and the confirmation of judges and deliberately to frustrate legislation important to the American people because there might be amendments that are uncomfortable for consideration by some in this body.

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Mr. BENNETT. Will the Senator yield?

Mr. REED. Reclaiming my time, essentially what the Senator is arguing, by implication, is that the majority leader has the sole responsibility and sole prerogative to pick who will come to this floor for consideration as a judge.

I am amazed at this whole process. Look at judges who have been pending for almost a year and their names are not coming to the surface. That is something more at work than the breaks of the game. That is a deliberate attempt by the majority to suppress the nomination of individual judges.

Frankly, an offer to bring some judges to the floor is, in my view, insufficient unless that offer was transparent, saying we will begin to work down the judges who have been pending longest, with perhaps other criteria, such as districts or circuits that need judges.
throughout its existence in the 1800s and the 1900s, to emulate American Government structure, at least. But it erupted into tremendous violence in 1989 and 1990. Over the next several years, 150,000 people fled to surrounding countries. Many were refugees. Those who came did not go to the United States—many being about 14,000. In March 1991, the Attorney General recognized that these individuals needed to be sheltered, so he granted temporary protected status, or TPS.

Under TPS, the nationals of a country may stay in the United States without fear of deportation because of the armed conflict or extraordinary conditions in their homeland. People who register for TPS receive work authorizations, they are required to pay taxes—and this is precisely what the Liberian community has done in the United States. They went to work. They paid taxes. However, they do not qualify for benefits such as welfare and food stamps. Not a single day spent in TPS counts towards the residence requirement for permanent residency. So they are in this gray area, this twilight zone. They have stayed there now for 10 years because the situation did not materially change.

Each year, the Attorney General must conduct a review. The Attorney General did conduct such a review and continued to grant TPS until a few years ago, until the fall of 1999, when the determination was made that the situation in Liberia had stabilized enough that TPS was no longer forthcoming.

At that, many of us leaped to the fore and said the situation has changed. The situation has changed in Liberia, but it has also changed with respect to these individuals here in the United States. They have established themselves in the community. They have become part of the community. Their number of a specialty returned to Liberia long ago evaporated and they started to accommodate themselves—indeed many of them enthusiastically—to joining the greater American community.

The situation changed in Liberia. The change there was more procedural than substantive. What happened was the situation in which there was an election, which was monitored by outsiders, which elected a President, the former Charles Taylor. Based upon this procedural process change, the State Department and others ruled, essentially, that the situation was now ripe for the return of Liberians from the United States and surrounding countries to Liberia. But at the heart, the chaos, the economic disruption, the violence within Liberia did not subside substantially. As a result, Liberians here in the United States have genuine concerns about their return to Liberia. What has happened, because they face an evolving situation, is that Charles Taylor, the President, again, duly elected President, has not renounced all of his prior behaviors because it is strongly suggested that he has been one of the key forces who is creating the havoc in the adjoining nation of Sierra Leone.

All of us have seen horrific photographs of the violence there, of children who have been cut off by warring factions in Sierra Leone. The Revolutionary United Front is one of the key combatants in that country. Part of this is an unholy alliance between Taylor and the Revolutionary United Front for the purpose of networks to be established but also for exploiting diamond resources within Sierra Leone for the benefit of Taylor and the benefit of others. But all of this, this turmoil, once again, suggests that Liberia is not a place that is a stable working democracy where someone, after 10 years of living in the United States, could return easily and gracefully and immediately.

Last year at this time, after being approached by myself and others, the Attorney General determined that she could not grant TPS again under the law. But she did grant Deferred Enforced Departure, or DED, to Liberians, which meant the Liberians could remain in the United States for another year before being deported. It is just stayed, delayed for a while. They have been living in this further uncertainty for the last year. My legislation would allow them to begin to adjust to a permanent residence status, to something akin to permanent residency, and hopefully, ultimately, after passing all of the hurdles, to become citizens of this country.

They arrived here, as I said, about 10 years ago. They came here with the expectation that they would have a short stay and would be home, back in their communities, back in Liberia, but that expectation was frustrated, not by them but by the violence that continued to break out throughout Liberia. They have established themselves here. They are part and parcel of the community, and they are extremely good neighbors in my State of Rhode Island, as well as in other parts of this country. I believe equity, fairness, and justice require that we offer these individuals the opportunity to become permanent resident aliens and ultimately, as I said, I hope they will take the opportunity to become citizens of this country.

Our immigration policy is an interesting one, idiosyncratic in many cases, but it is important to point out there are several other countries around the globe that have already dealt with a problem like this: Norway, Denmark, the Netherlands, Spain, and Great Britain. After a certain length of time, even if you are there temporarily—certainly 10 years is a sufficient time—you can, in fact, adjust your status to something akin to permanent resident of the United States and pursue citizenship.

We have done this before. We have made these types of adjustments for other national groups that have been here and for many of the same reasons: Simple justice, length of stay, connections to the community of America, continued turmoil in their own countries. For example, in 1988 we passed a law to allow the Attorney General to make determinations for individuals who had been here for 4 years, 387 Ugandans who had been here for 10 years, 565 Afghanis who had been here for 8 years, and 1,180 Ethiopians who had been here for 11 years. The 102nd Congress passed a law which allowed Chinese nationals who had been granted deferred enforced departure after Tiananmen Square to adjust to permanent residency. Over the next 4 years, 52,906 Chinese changed their status.

In the last Congress, we passed legislation known as NACARA. Under this law, 150,000 Nicaraguans, 5,000 Cubans, 200,000 El Salvadorans, and 50,000 Guatemalans who had been living in the United States since 1989 and 1990 were eligible to adjust to permanent residency status. A separate law allows Haitians who were granted DED to adjust to permanent residency.

One can see, with these changes, why we believe we have a special obligation to Liberia. As my colleagues know—and I have mentioned before—this is a country that shares so much with the United States. In 1822, a group of freed slaves in the United States began to settle the coast of western Africa with the assistance of private American philanthropic groups and at the behest of the U.S. Government. In 1847, these settlers established the Republic of Liberia, the first independent country in Africa. Five percent of the population of Liberia traces its ancestry to former American slaves. They modeled their constitution after ours. And they used the dollar as their currency.

Before the 1990 civil war, the United States was Liberia’s leading trading partner and major donor of assistance. When Liberia was torn apart by civil war, they turned to the United States for help. We recognized that special relationship, and we offered aid to Liberia. We offered it, as I said, to assist those who were fleeing destruction and devastation. We should continue to do that. We have had a special relationship with Liberia over history, and we have formed a special relationship throughout this country with those communities of Liberians who have been here for a decade and who seek to stay.

Again, this is some of the legislation we could be considering, some of the legislation with which we could be dealing if we had a process that allowed that free flow of legislation to the floor.

Mr. President, I ask unanimous consent that two letters be printed in the
DEAR SENATOR REED:

I write to let you know of the great importance I attach to the passage of legislation that would allow Liberian nationals already in the U.S. for almost ten years to become permanent residents. Your legislation, S. 656, the Liberian Immigration and Refugee Fairness Act, would accomplish this important goal.

The United States has always shared a special relationship with Liberia, a country created in 1822 by private American philanthropic organizations for freed American slaves. In December 1989, civil war erupted in Liberia and continued to rage for seven years. USAID estimates that of Liberia’s 2.1 million inhabitants, 150,000 were killed, 700,000 were internally displaced and 480,000 became refugees. Meanwhile, much of the destroyed infrastructure has been rebuilt and sporadic violence continues.

When I began in 1989, thousands of Liberians fled to the United States. In 1991, the Attorney General granted Temporary Protected Status (TPS) to these Liberian nationals, thereby relieving them of deportation since ongoing armed conflict prevented their safe return home. For the next seven years, the Attorney General annually renewed this status. Last summer, Attorney General Reno announced that this TPS designation would end on September 28, 1999. Throughout 1999, Liberians feared that the United States would be perceived as unpatriotic and forced to return to a country still ravaged by violence and repression. However, on September 27, 1999, President Clinton granted S. 656 would protect Liberian refugees and their families from being forcibly returned to a nation where their life and freedom may still be threatened. Even the Human Rights reports from the U.S. Department of State and Amnesty International have called attention to the continuing pattern of abuses against citizens by the Liberian government. Additionally, the legislation would protect against the dissolution of families as Liberian parents are forced to choose between leaving their American-born children in the U.S. or taking them back to Liberia if they are deported. Further, after nearly a decade of living in the U.S., Liberians have established real ties in their local communities and as such, forced deportation now would be quite imperitive that Liberian civil war refugees be accorded the same favorable treatment as other refugee groups seeking relief in the United States.

We remain appreciative to Congress for its continued attention paid to the general issue of immigration relief for those in need, and we trust the same will be devoted to the Liberians. We appreciate your consideration of these comments.

Sincerely,

RALSON H. DEFFENBAUGH
President

On behalf of:
Nancy Schestack, Director, Catholic Charities Immigration Legal Services Program
Douglas A. Johnson, Executive Director, Center for Victims of Torture
Richard Parks, Director, Episcopal Migration Ministries
Tsehay Teferra, Director, Ethiopian Community Development Council
Eric Cohen, Attorney, Immigrant Legal Resource Center
Curtis Ramsey-Lucas, Director of Legislative Advocacy, National Ministries, American Baptist Churches USA
Jeanne Butterfield, Director, American Immigration Lawyers
William DeYoung, Director, Church World Service Immigration and Refugee Program.

LUTHERAN IMMIGRATION AND REFUGEE SERVICE
Fairfax, VA, April 19, 2000.

DEAR SENATOR REED: On behalf of the undersigned organizations, we urge your support of the Liberian Refugee Immigration Fairness Act of 1999 (S. 656) which would provide relief and protection for some 15,000 Liberian civil war refugees and their families now residing in the United States. Since March of 1991, over 10,000 Liberian civil war refugees have resided in the United States. Recently, they were granted an extension of their temporary exclusion from deportation when President Clinton ordered the Attorney General to defer their enforced departure. Granted for one year, the order is set to expire in September of this year. Against this general background, legislation has been introduced by Senator Jack Reed (D-RI) to adjust the status of certain Liberian nationals to that of lawful permanent residence. We strongly support Senator Reed’s proposed legislation, S. 656. We view this bill as being vital to the basic protection of and fairness towards Liberian civil war refugees.

JUSTIFICATIONS

The Liberian Refugee Immigration Fairness Act of 1999 would protect Liberian refugees and their families from being forcibly returned to a nation where their life and freedom may still be threatened. Even the Human Rights reports from the U.S. Department of State and Amnesty International have called attention to the continuing pattern of abuses against citizens by the Liberian government. Additionally, the legislation would protect against the dissolution of families as Liberian parents are forced to choose between leaving their American-born children in the U.S. or taking them back to Liberia if they are deported. Further, after nearly a decade of living in the U.S., Liberians have established real ties in their local communities and as such, forced deportation now would be quite imperative that Liberian civil war refugees be accorded the same favorable treatment as other refugee groups seeking relief in the United States.

We remain appreciative to Congress for its continued attention paid to the general issue of immigration relief for those in need, and we trust the same will be devoted to the Liberians. We appreciate your consideration of these comments.

Sincerely,

WILLIAM H. GRAY III.
President.

On behalf of:
Hon. Jack Reed, U.S. Senator
Fairfax, VA, April 19, 2000.

DEAR SENATOR REED: In order to meet the urgent need of the Liberian Refugee Immigration Fairness Act of 1999, Operation Rescue Liberia, a non-profit organization that would provide relief and protection for some 15,000 Liberian civil war refugees and their families now residing in the United States. Since March of 1991, over 10,000 Liberian civil war refugees have resided in the United States. Recently, they were granted an extension of their temporary exclusion from deportation when President Clinton ordered the Attorney General to defer their enforced departure. Granted for one year, the order is set to expire in September of this year. Against this general background, legislation has been introduced by Senator Jack Reed (D-RI) to adjust the status of certain Liberian nationals to that of lawful permanent residence. We strongly support Senator Reed’s proposed legislation, S. 656. We view this bill as being vital to the basic protection of and fairness towards Liberian civil war refugees.

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Sincerely,

WILLIAM H. GRAY III.
President.

On behalf of:
Hon. Jack Reed, U.S. Senator

DEAR SENATOR REED: It is time to see acted upon in this session in the next few weeks. Bill Gray, as many know, is a former distinguished Congressman from Philadelphia, PA. He is now President of the College Fund, which was formerly known as the United Negro College Fund.

He points out in his letter the long association between the United States and Liberia and urges that we act quickly and decisively to pass this legislation.

The letter from the Lutheran Immigration and Refugee Service also makes that same plea for prompt and sympathetic action on this legislation. It is signed also on behalf of numerous organizations: the Catholic Charities Immigration Legal Services Program; the Episcopal Migration Services; the National Ministries of American Baptist Churches USA; the Lutheran Social Services of Minnesota; the Union of American Hebrew Congregations; the United Methodist Church, General Board of Church and Society; and it goes on and on.

Again, this is the heartfelt plea by the church community and the religious community in general of this country for a favorable and immediate response to the plight of these Liberians who are here with us.

VISIT TO THE SENATE BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate stand in recess for 6 minutes while Senators and others have an opportunity to meet a distinguished guest, the President of the Philippines, the Honorable Joseph Estrada.

There being no objection, the Senate, at 3:57 p.m., recessed until 4:03 p.m.;
whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. REED. Mr. President, I extend my welcome to President Estrada of the Philippines. The Philippines and the United States are allies. We have a special relationship with them, as we have a special relationship with the country I have been speaking about; that is, the country of Liberia.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 2001—MOTION TO PROCEED—Continued

Mr. REED. Mr. President, let me conclude my overall remarks by saying, as I began, that we are in the doldrums. We are here but we are not moving. I do not think it is sufficient to simply, on a day-by-day basis, make a little concession here and a little concession there. I think to get this Senate under full sail again, moving forward, proudly, purposefully, is to once again summon up that thing I always thought was inherent in this body, the spirit of vigorous and free and open debate, of vigorous and wide-ranging amendment, unfettered by the individual proclivities of the leader, whoever the leader may be, and then, ultimately, doing our job.

This afternoon, I have tried to suggest several areas where we have neglected that obligation. With respect to Federal judges, it seems to me that there has been an attitude adopted here that our advice and consent is sort of an optional thing. If we do not choose to do it, then no judges will be confirmed. In a way, it is very subversive to the Constitution.

Frankly, I don't think anyone would object were brought to this floor and voted down. That is a political judgment, a policy judgment, a judgment based upon their jurisprudence, their character, a host of issues. But what is so objectionable is this notion of stymying the Constitution by simple nonaction, by pushing it off into the shadows, allowing individual nominees to languish, hoping that no one pays attention to it, and that at the end of the day these judges will go away and more favorable judges will be appointed. I do not think that is the way to operate this Senate.

We have legislation, such as the ESEA, which has been permanently—or apparently permanently—shelved, not because there is something inherently wrong with the bill as it has been presented—we can debate the merits of that—but because to bring it back to the floor would invite amendments that might be uncomfortable. I think that is not acceptable.

Then I think we have a measure which everyone claims is critical to our economy, critical to our future national security, critical to our relation-

MEASURE PLACED ON THE CALENDAR—S. 2912

Mr. BENNETT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The Senate has the floor.

Mr. BENNETT. Mr. President, I appreciate the comments from the Senator from Rhode Island. I will have some responses to them in a moment.

PROVIDING FOR NEGOTIATIONS FOR THE CREATION OF A TRUST FUND TO COMBAT THE AIDS EPIDEMIC

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2912) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Senator HELMS, for himself and others, has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah has the floor.

Mr. HELMS. Mr. President, passage of the Global AIDS and Tuberculosis Relief Act is a priority for this Administration, but that is not why I support it. I am aware of the calamity inflicted by HIV/AIDS on many Third World countries, particularly in Africa.

Children are the hardest hit and they, Mr. President, are the innocent victims of this sexually transmitted disease. In fact, the official estimate of 28 million children orphaned in Africa alone could easily prove to be a low estimate. This is among the reasons why Senator BILL FRIST wrote the pending amendment, which is based on S. 2845, which, in my advice from Franklin Graham, president of Samaritan’s Purse and son of Billy and Ruth. That is why I support it.

Several items in the pending bill should be carefully noted. First, authorization for appropriations for the World Bank Trust Fund is scaled back from the House proposal of five years to two years. There is no obligation for the U.S. Government to support the trust fund beyond two years.

If the trust fund performs as expected, Congress may decide at that time to make additional funds available. However, if the Trust Fund is not transparent, if there is not strict accountability—and if money is squandered on second rate or politicized projects—I intend to do everything in my power to ensure that Congress does not provide another farthing.

Mr. HELMS. The pending bill requires that twenty percent of U.S. bilateral funding for HIV/AIDS programs be spent to support orphans in Africa. That could be as much as $60 million. This is one of the provisions on which I insisted, and I wish it could have been an even higher percentage.
I suggest that A.I.D. get together with Nyumbani Orphanage in Nairobi, Kenya, Samaritan’s Purse, and the other groups working in the field to develop a plan to address the crisis.

Finally, I insisted that the lions share of additional funding, specifically, at least 65 percent—or as much as $195 million, be available to faith-based groups and I am gratified that my colleagues have consented to this. At last, it has dawned on Senators that HIV/AIDS legislation and programs designed to address the spread of AIDS are worthless unless they recognize and address seriously the moral and behavioral factors associated with the transmission of the disease.

There is only one 100 percent effective way to stop the spread of AIDS, and that, of course, is abstinence and faithfulness to one’s spouse. And it is through churches that this message will be effectively promoted and accepted, not through government bureaucratic, too exaggerated a word, agencies to impose upon the people standards to which they are not committed. I believe that this bill will be an important accomplishment, and if it is properly implemented it will save lives. The Foreign Relations Committee will work diligently over the next two years to ensure that the intent of Congress is understood and carried out.

Mr. President, approval of this bill will be an important accomplishment, and if it is properly implemented it will save lives. The Foreign Relations Committee will work diligently over the next two years to ensure that the intent of Congress is understood and carried out.

I want to make it clear that this bill represents only the beginning of the United States’ commitment to fighting HIV/AIDS. Sustained dedication of resources, as well as the potential societal and economic disruptions AIDS has and will cause assure us of one distinct possibility: All goals of the United States in Africa and the developing world—goals we share with them—will be seriously compromised and/or undermined by AIDS. Growing trade, better education and health, stronger democracies, efforts toward peace—all will be undermined by a disease that is positioned to sap the life from the most promising and productive generations.

Two characteristics of this pandemic that distinguish it from the other great killers have impressed me the most and shaped the Senate’s recent initiatives to support the efforts to combat HIV/AIDS worldwide.

The first is the fact that AIDS affects the younger members of a community in their most productive years. It thus depletes the economic equation by effectively reversing the proposition of dependants to productive members of a family. In short, it has struck at the heart of the extended families, changing the breadwinners and survivors from a source of needed food or income to a burden. That is to say nothing of the grief, personal loss and often shame associated with death from AIDS.
The second is that the estimated number of orphans from AIDS in Africa, for example, already exceeds 10 million, and is expected to approach 40 million in coming years. Many of those children will themselves be HIV-positive. The prospect of 40 million children without hope, health and often without any support whatsoever is as dangerous as it is tragic. These children are susceptible to substance abuse, prostitution, banditry or, as we have seen so often on the continent, child soldiery. This will be an economic strain on weakening or completely broken economies, and an extremely volatile element in strained societies.

The human cost of AIDS is already alarmingly high, and the trends are increasingly terrifying—even apocalyptic.

Sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world. It is our greatest challenge. I have seen the effects firsthand in the countries of that continent. The potential is clearly written in the appalling statistics of the disease today.

According to December 1999 United Nations data, some 23.3 million adults and children were infected with the HIV virus in the region, which has about 10 percent of the world’s population but nearly 70 percent of the worldwide total of infected people. In Botswana, Namibia, Zambia, and Zimbabwean estimates of 20 percent to 26 percent of adults are infected with HIV, and 13 percent of adults in South Africa were infected as of the end of 1997.

An estimated 13.7 million Africans have lost their lives to AIDS, including 2.2 million who died in 1998. The overall rate of infection among adults in sub-Saharan Africa is about 8 percent compared with a 1.1 percent infection rate worldwide.

AIDS has surpassed malaria as the leading cause of death in sub-Saharan Africa, and it kills many times more people than Africa’s armed conflicts.

Sub-Saharan Africa is the only region in which women are infected with HIV at a higher rate than men. According to UNAIDS, women make up an estimated 55 percent of the HIV-positive adult population in sub-Saharan Africa, as compared with 35 percent in the Caribbean, the next highest-ranking region, and 20 percent in North America. Young women are particularly at risk. A U.N. girls aged 15-19 to be infected at a rate of 15 percent to 23 percent, while infection rates among boys of the same age were 3 percent to 4 percent.

The African AIDS epidemic is having a much greater impact on children than is the case in other parts of the world. An estimated 600,000 African infants become infected with HIV each year through mother to child transmission, either at birth or through breastfeeding.

At least 7.8 million African children have lost either their mother or both parents to AIDS, and thus are regarded by UNAIDS as “AIDS orphans.” South Africa is expected to have one million AIDS orphans by 2004. An estimated 10 million or more African children will have lost either their mother or both parents to AIDS by the end of the year 2000. In some urban areas of Africa, orphans comprise up to 40 percent of all children. Many of these children are themselves infected with HIV/AIDS and often face rejection from their extended families and from their communities.

In its January 17, 2000 issue, Newsweek projected that there will be 10.4 million African AIDS orphans by the end of 2000. UNAIDS reports that AIDS orphans, suspected of carrying the disease, generally run a greater risk of being malnourished and of being denied an education.

At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will have increased three-fold or more in the next ten years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children left to care for themselves are often drawn into prostitution, crime, substance abuse or child soldiery.

The majority of governments in areas of sub-Saharan Africa facing the greatest burden of AIDS orphans are providing limited incentives to address the rapid growth in the number of children who have no means of support, no education nor access to other opportunities.

Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. Support structures and incentives for families, communities and institutions which will provide orphans with food, education, and medical care need to be in place, or new policies will have to be developed to address the potential number of purchasers is very small. By providing a clear purchaser for the future, GAVI addresses much of the questions involving the risks of investing in such research.

The legislation does not seek to act unilaterally, but has two critical elements which will help use our leadership position to leverage greater cooperation to combat the epidemic. It seeks to create the Global Trust for programs to combat the transmission of HIV and to respond to the devastation of AIDS. Under the legislation, the United States can contribute up to $150 million per year for two years to capitalize the fund. Of that, $50 million is specifically targeted to address the great human tragedy and most daunting challenge of AIDS orphans. Undoubtedly, the initial generous contribution of the United States will spur many more commitments from other nations.

The legislation does not leave the question of orphans to the trust fund alone. It also directs the United States
to begin coordinating a global strategy to address the orphans crisis, especially in caring for them and educating them. This is in addition to the specific focus on education and care of orphans in Africa mandated in the initial authorization of ongoing programs and in the tremendous success achieved in providing the tools for these children to escape the poverty, violence and exploitation that they will often face. The strong emphasis on this explosive and frightening problem is one of the most forward-looking approaches to international health yet considered by Congress. I cannot overemphasize the importance of these provisions.

The legislation also addresses the increasing threat of tuberculosis worldwide. The disease’s resurgence is a clear and direct threat to the United States’ public health. Astonishingly, the World Health Organization estimates that one third of the world’s population is infected with tuberculosis, and the increasingly resistant strains of the disease emerging yearly, the urgency of the initiative is critical. The legislation authorizes $50 million each year for two years for programs to combat the disease. That figure represents a substantial increase in our capacity to ensure our own safety and health and to combat the scourge worldwide.

Overall, this legislation represents a clear recognition of the importance to our own health and security in combating infectious disease worldwide. More significantly, though, it is a monumental new commitment by the United States to combat the death and suffering of our fellow humans. It is a great demonstration of America’s generosity and our hope to improve the lives and potential of all people.

Mr. KERRY. I am pleased to join the distinguished chairman of the Foreign Relations Committee, Mr. HELMS, and the ranking member of the Appropriations subcommittee, Dr. Frist, in bringing this very important bill to the Senate.

Mr. President, the human toll of the AIDS crisis in Africa is stupefying. More than 30 million people now live with AIDS and annual AIDS-related fatalities hit a record 2.6 million last year. Ninety-five percent of all cases of AIDS are found in the developing world.

AIDS is now the leading cause of death in Africa and the fourth leading cause of death in the world. In at least 5 African countries over 20 percent of adults are HIV-positive.

The AIDS epidemic is more devastating than wars: in 1998 in Africa, 200,000 people died from armed conflict; 2.2 million died from AIDS—more than 5,000 Africans died every day from the disease.

This week, the U.S. Census Bureau announced new demographic findings for Africa. Because of AIDS, Botswana, Zimbabwe and South Africa will experience population growth in the next five years. Without AIDS, these countries would have experienced a 2-3 percent increase in population.

Children born within the past 5 years in Namibia, Swaziland and Zimbabwe can expect to die before the age of 35. Without AIDS, their life expectancy would have been 70. In addition, a new and very troubling statistic was announced this week: UNAIDS reported—55 percent of all HIV-infections were in women. So AIDS is not only robbing societies of young women but also of the child they might have had.

It is not hard to predict that this will be Africa’s worst social catastrophe since slavery, and the world’s worst health crisis since the bubonic plague.

Other parts of the world are going down the same path as Africa. Infection rates have increased rapidly, with several countries, especially India, on the brink of large-scale expansion of the epidemic. When I was in India in December, epidemiologist from our government as well as Indian officials admitted that the number of cases in Asia could surpass those of Africa by the year 2010.

In addition, countries of the former Soviet Union and Eastern Europe are experiencing viruses experiencing one of the highest increases in infection rates of any single country in the world last year. Is this the kind of world we want for the 21st century? In this age of remarkable biotechnological and biomedical breakthroughs, when we have cures of impotence and treatments for depression, do we want to ignore a public health crisis of biblical proportions? When we’re talking about the democratization of the developing world, when we’re talking about the triumph of capitalism and open markets, when we’re talking about the benefits of globalization, we cannot remain silent—as rich as we are in talent, technology and money—about the AIDS epidemic.

Mr. President, last week, the 13th annual International Conference on AIDS was taking place in Durban, South Africa. It was the first time this international conference held in a country in the epicenter of the AIDS pandemic in the developing world.

A number of important breakthroughs have been announced from the Conference and the Senate should be aware of them.

Pharmaceutical companies have announced that they are prepared to offer their life-extending therapies to the developing world at no cost or at a very nominal price. Merck will provide Botswana with $100 million in medicine over the next five years. Abbott Laboratories confirmed that it will initiate a charitable program in Tanzania, Burkina Faso, Romania and India. They pledge to bring to market one of the most important drugs in preventing the transmission of HIV from mother to child—Viramune—to developing countries over the next 5 years. Similarly, Pfizer recently promised to offer South Africa its effective product—Diflucan—which is used for treating a deadly brain infection associated with AIDS.

These are all important developments. Access to these pharmaceutical products has historically been prevented by high price, and these companies should continue to work with governments and philanthropies like the Gates—Melinda Gates—Foundation which today is announcing another $90 million in grants to combat AIDS in the developing world. The contribution made by Bill and Melinda Gates to fighting infectious diseases cannot be overstated. Through their philanthropy, they have given countries which are being ravaged by disease a fighting chance.

Fighting and winning the war against AIDS is more than just giving away medicine. We must continue to bolster the research into a cure. To this end, a number of significant biomedical breakthroughs have come out of Durban. The most significant is the announcement by the International AIDS Vaccine Initiative of human tumor antigens, a new candidate vaccine against AIDS. Development of an effective AIDS vaccine is critical especially in Africa where preventive measures—such as encouraging change in high-risk behaviors and debunking deadly myths—will do little without the spread of HIV in countries which have a 20 or 25 percent infection rate. It is clear that the only hope for these countries is a cure: that means, developing an effective vaccine and assuring its affordable distribution.

And, we have a responsibility to act in this increasingly intertwined world because, together with all the benefits associated with globalization, we also now are facing a range of new threats that know no borders and move with out prejudice—international crime, cyber-terrorism, drug-trafficking and infectious diseases.

We are seeing a rise in the number of previously unknown lethal and potent disease agents identified since 1973—the ebola virus, hepatitis C, drug-resistant tuberculosis, West Nile virus and HIV. These diseases affect all of us, including American citizens. New Yorkers know the scare associated with these heretofore unknown diseases—last summer New York City was held captive by an encephalitis scare and new outbreaks this year have already been spotted in pigeons. There was a shock in the scientific commu- nity when it was discovered that it was an outbreak of the mosquito-borne disease in New York was not, as scientists had believed, St. Louis encephalitis: instead, it was a deadly variant of West Nile virus, a disease hitherto found only in Africa, the Middle East and parts of West Asia. United States health officials now fear that the disease may now become prevalent in the Americas. Similarly, it is foolishly and dangerous to believe that any infectious disease can be adequately contained in one region. We are all at-risk.

Militaries are not immune; in fact, they are in some cases even more susceptible to upheaval and instability...
from infectious diseases, especially AIDS. Some militaries in Africa have HIV-infection rates which top 40 percent. These military forces could be part of the solution for democratization in Africa in terms of peacekeeping and conflict prevention; instead, African militaries are losing their military effectiveness and adding to the social instability.

It is projected that Africa will be home to 40 million children, orphaned by AIDS in the year 2010. Zambia is one of the regions with 11 million people-half a million of them will be AIDS orphans. We need to call on other regions of the world—like Cambodia and Burma—that exploited children are common targets by rogue militias and narco- and other criminal organizations. It is clearly in our interest to stem this activity.

Likewise, economies are not immune. In fact, development of the last 20 years is being reversed in the countries hardest-hit by AIDS. AIDS cost Namibia 10 percent of its GDP in 1996. Tanzania will experience a 15 to 25 percent drop in its GDP because of AIDS over the next decade. Over the next few years, Kenya's GDP will be 14.5 percent less than it would have been if AIDS had not spread. AIDS consumes more than 50 percent of already meager health budgets. In many African countries, the total annual per capita health-care budget is $10. 80 percent of the urban hospital beds in Malawi, which is the home of a country of 11 million people—half a million of them will be AIDS orphans. We have seen firsthand the devastating toll that the AIDS epidemic is taking on a continent which will lose in the next few years, Kenya's GDP will be 14.5 percent less than it would have been if AIDS had not spread. AIDS consumes more than 50 percent of already meager health budgets. In many African countries, the total annual per capita health-care budget is $10.

AIDS goes Africa. As goes Africa, so goes India and North America—is certainly a threat. The numbers one must use to describe the crisis are numbing. More than 70 percent of all people living with AIDS live in sub-Saharan Africa, and 60 percent of all newborns with HIV are infected by their own mothers. The epidemic is now in its third decade, and we need to recognize that it is a threat to our national security.

Governments are not immune. This epidemic is causing leadership crises in some African countries. President Benjamin Mkapa of Tanzania reported last week that, “in some ministries there are 100 employees who are not coming to work.” African governments are grappling with some of the most significant challenges to development and free-market transition.

The window of opportunity is now open to making a real difference in Africa and improving global health, and that is why I am so pleased that the Senate is acting with all dispatch to pass the largest single appropriations bill and cut to the Gordian knot of the tested science of AIDS.

One can argue—and I do not at all dismiss the rational human being can be dismissive. One humanitarian terms, no one should dare be dismissive. We are linked to everything that is happening in Africa, starting back to our nation's civilization's earliest history, and we are now tied by the need for organization and technology. And I hope that we will always be tied by who we are and what we are as a nation. This really tests the fiber of our country, in a sense, and questions whether we are prepared to deal with this threat.

But even if you subscribe to the view that the AIDS disaster in Africa is not a threat to our national security, you have to at least recognize that untested spread of this horrendous virus to other regions—such as to South Africa, and we are now tied by the need for organization and technology. And I hope that we will always be tied by who we are and what we are as a nation. This really tests the fiber of our country, in a sense, and questions whether we are prepared to deal with this threat.

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out from this horrific upheaval has forced us to confront the disease not just as an epidemiological threat, but as a security threat as well. Nearly 4,500,000 children have HIV and more are being infected at the rate of one child a minute. According to UNAIDS, by the end of 1999, AIDS had left 13,200,000 orphaned children in its wake.

This bill is a serious effort to confront this monstrous crisis. It will provide hundreds of millions of dollars in assistance to strengthen prevention efforts, to combat mother-to-child transmission, to improve access to testing, counseling, and care, and to assist the orphans left in the wake of the disease. Through a new AIDS trust fund, it will leverage U.S. assistance with a multi-lateral approach and through innovative partnerships with the private sector. The bill provides support to the Global Alliance for Vaccines and Immunizations and to the International AIDS Vaccine Initiative, so that we can do what we must to address the urgent needs of the present, we work toward a solution in the future.

The bill insists that AIDS education be provided to troops trained under the auspices of the African Crisis Response Initiative. It recognizes the inextricable link between HIV/AIDS and the resurgence of tuberculosis. It goes beyond the President’s request and beyond anything that this Congress has contemplated since the epidemic began.

The bill is not perfect, of course. The needs are great and the problem multifaceted. I would still like to see this Congress address the important issue of access to pharmaceuticals, and to put strong language into statute that would prohibit the executive branch from pressuring countries in crisis to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to long as the laws in question adhere to.

This does not absolve this Senate of a continued responsibility to address the global AIDS crisis. But it is remarkable, all the same.

This bill has the unanimous support of the Senate Foreign Relations Committee. Senators HELMS, BOXER, FRIST, KERRY, and BIDEN have worked on it tirelessly. It includes provisions originally drafted in the Mother-to-Child HIV Prevention Act, a bill authored by Senator BOXER, and for which I am proud to be an original co-sponsor. It reflects the admirable work of the House and in particular of Congresswoman BARBARA LEE and Congressman LEACH, and it should reach the President’s desk quite rarely. Rarely does such a substantially ground-breaking bill enjoy this degree of bipartisan consensus. It is a tribute to my colleagues and a testimony to the undeniable magnitude and urgency of the crisis that the Senate stands ready to pass this legislation today.

Just days ago, U.S. Ambassador to the United Nations Richard Holbrooke testified before the Senate Foreign Relations Committee. When he was speaking about the AIDS crisis, he spoke of its impact and of the place the epidemic has already taken in history, and said, “All of us will have to ask ourselves, when our careers are done, did we address this problem?” This bill is an important part of the answer to that question.

Mrs. BOXER. Mr. President, today the Senate is taking a big step forward in the fight against international AIDS and other tropical diseases. Today’s passage of H.R. 3519, the Global AIDS and Tuberculosis Relief Act of 2000, will help those throughout the world who are suffering from these deadly infectious diseases.

I am particularly pleased that this legislation includes two bills that I introduced earlier in the 106th Congress. In February, I introduced the Global AIDS Prevention Act (S. 2026). This legislation authorizes $300 million in bilateral aid for those nations most severely affected by AIDS. It calls on the United States Agency for International Development to make HIV and AIDS a priority in its foreign assistance program and undertake a comprehensive, coordinated effort to combat AIDS. This assistance will include primary prevention and education, voluntary testing and counseling, medications to prevent the transmission of HIV and AIDS from mother to child, and care for those living with HIV or AIDS.

H.R. 3519 also includes legislation I introduced last year, the International Tuberculosis Control Act (S. 1497). This bill authorizes $60 million in aid to fight the growing international problem of tuberculosis. With this legislation, the United States Agency for International Development will coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and the international organizations to develop the guidelines and develop the implementation of a comprehensive tuberculosis control program. This bill also sets as a goal the detection of at least 70 percent of the cases of infectious tuberculosis and the cure of at least 85 percent of the cases detected by 2010.

H.R. 3519 has other important provisions as well. The bill includes a $10 million contribution to the International AIDS Vaccine Initiative and a $50 million contribution to the Global Alliance for Vaccines and Immunizations. It also contains provisions calling for the establishment of a World Bank AIDS Trust Fund with the Secretary of the Treasury authorized to provide $150 million for payment to the fund.

I want to thank all of the members of the Senate Foreign Relations Committee for their work on this legislation. I am particularly grateful for the efforts of Chairman HELMS in pushing this bill forward.

This is an important step in the fight against AIDS and TB. I have no doubt that greater resources will be needed in future years to continue this effort. I am hopeful that the Senate will continue to treat the issue of infectious diseases with the seriousness it deserves.

There are 34 million people today living with HIV/AIDS, and one-third of the world’s population is infected with tuberculosis. Much more needs to be done, and I am proud of the Senate for taking this action today.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record. The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3519), as amended, was read the third time and passed.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT OF 2001—MOTION TO PROCEED—Continued

Mr. BENNETT. Mr. President, I will now turn to the subject that has been raised today and yesterday and last week and repeatedly in the last few weeks. That is the subject of why the Senate is not proceeding on the pace and with the vigor we all think it should. We have heard from the Senator from Rhode Island and others today about how the majority leader has somehow dictorially brought everything to a terrible halt and wouldn’t it be wonderful if we went back to the great spirit of cooperation and comity that allows us to get things done. I agree absolutely that it would be wonderful to return to the spirit of cooperation and comity that would allow things to be done, but I think it is pointing the finger in the wrong place to attack the majority leader.

Let me share with you my experience this last week. Monday of this week was July 24, which in my home State is the biggest day of the year. July 24 happens to be the day that Brigham Young and the first group of Mormon pioneers entered Salt Lake Valley and put down roots that have now become not only Salt Lake Valley but the State of Utah. Every year we celebrate that historic event with a major parade. It is one of the requirements for a politician to be in that parade. Senator HATCH and I always confer about whether or not we will make the parade because we don’t want to miss votes. There have been times when we have had to miss the parade to be here to do our appropriate duty.

On Friday of last week, I went to the staff of the leadership and said: What is going to happen on Monday? I was told: We will be on energy and water. There will be amendments and there will be votes.

I then went to the subcommittee chairman for the Appropriations Committee and said to him—this being Senator DOMENICI—how important will the votes be and how many will there be?
Senator DOMENICI said: Well, there will be several votes, but I think they will be relatively unimportant ones. They will not be close.

I said: Well, Senator, I think under those circumstances, I will go to Utah and ride my 24 and I believe if you can assure me that it will not create an undue hardship for you with respect to passing important amendments that my vote would not be absolutely essential, I think I will go to Utah.

He told me: Senator, you can go to Utah. I will see to it that the amendments that we vote on on Monday will not be so close that your vote would have made that much of a difference.

So I went to Utah. When I got back, I said to my staff: How many votes did I miss and how important were they? I found out I didn’t miss any votes. The Senate didn’t vote. Why? The Senate didn’t take up the bill. Why? Because the minority objected to the motion to proceed, and the majority leader was reluctant to hold the future motion on the motion to proceed to consider the bill.

I have made the statement in this Chamber before that based on my experience, I can remember a time when no one objected to a motion to proceed. A filibuster issue in the Senate was something that was unheard of from either side. We have been told this afternoon “couldn’t we go back to the time when people got along with each other” from the same side of the aisle. I said: We will filibuster the motion to proceed.

So the majority leader had to file a cloture petition. He filed the cloture petition. We voted on it. When we voted on it, it was passed overwhelmingly, if not unanimously. That raises the question: Why did we go through this exercise? Why couldn’t we have been on the bill at the time we were scheduled to be on the bill? Why are we in this situation now when we are under cloture? The situation running off 30 hours on the clock so we can then finally get around to voting on the bill, knowing that as soon as we get through with this one, there will be another one where there will be objection to the motion to proceed, the requirement that a cloture petition be filed, and the running off the clock again?

There are various ways to defeat legislation. One of them is to delay it. I said once before, I worry this Chamber has become more like the world’s greatest deliberative body to being the world’s greatest campaign forum. I am distressed by reports in the popular press that say that the Vice President and his party intend to run against a do-nothing Congress. We are doing everything we can to make this a do-something Congress, but there are forces at work to try to create the prophecy of a do-nothing Congress into a self-fulfilling prophecy.

It can be done in such a way that the public at large doesn’t understand what is going on. The public at large doesn’t know what cloture means. I go home to my constituents and I try to explain what is going on. They don’t understand what the motion to proceed is. They don’t understand the rules of the Senate. You talk to them about unanimous consent agreements that are not being agreed to, agreements that 20 or 30 leaders who then get set aside and cloture petitions, their eyes glaze over when you start talking like that. They come back to you—these are my constituents—and they say: Why aren’t you getting your business done?

When you have to make these kinds of explanations, the public gets impatient, which plays into the hands of those whose electoral strategy is run against a do-nothing Congress. I have started to use that language, as I explained to my constituents why we are not getting the people’s work done. I say to them very deliberately—and it pains me because I do not want to cast clouds over this institution, but I believe I have to say it anyway—there are forces at work to try to create a do-nothing Congress who are determined to create a do-nothing Congress. And in the Senate, the rules are such that you can do that. The rules are such that even if you are in the minority, if you aren’t happy, you can bring it to a halt, you can do that.

I have been in the minority. I have heard some of my fellow party members in the minority say: We have to bring this place to a halt; we have to let people know that we didn’t participate in the attempts on the part of the minority to shut this place down when George Mitchell was the majority leader; when George Mitchell did many of the things that Trent Lott is now being accused of doing; when George Mitchell said: We have to do the people’s business, even if it means, as majority leader, I exercise something of an iron fist to make sure we do the people’s business; I will do it and we will get the people’s business done. Those on this side of the aisle who said in my hearing, “let’s shut this place down,” did not prevail.

I did not participate with them, and I am proud of that fact, that we did not attempt to shut this place down. Were we frustrated? Absolutely. Were we upset? Absolutely. Did we engage in filibusters, yes, straight up. My assigned time was from 1 to 2 o’clock in the morning in a filibuster, when George Mitchell said the Republicans are going to filibuster us, let’s go around the clock. I was very up front about it. I believed the bill that we were talking about was sufficiently bad that I was willing to take my turn from 1 to 2 o’clock in the morning to see to it that the bill didn’t pass.

That is part of the game around here. That is the way the rules are structured. I have no problem with that. But objecting to the rule to proceed, which is the kind of thing the public doesn’t understand, but that all of us understand, is a stealth filibuster. It is an attempt to slip under the public awareness, shut this place down, and create a situation where you can then run against a do-nothing Congress.

I remember the first person to run against a do-nothing Congress—Harry Truman. I remember what Harry Truman did. It was very different from what is being done here. Let’s get a little history here.

Harry Truman was President of the United States by virtue of Franklin Roosevelt’s death. He had not run for President, he had not been elected, and he was not very popular in the country. The Republicans controlled both Houses of Congress as a result of Harry Truman’s lack of popularity, and they were absolutely sure they were going to win the 1948 election. So they were determined they were not going to pass any legislation that Harry Truman could veto. They were going to wait until Thomas Dewey became President of the United States, and then they were going to pass their legislation for a President who would sign it.

At the Republican National Convention, and in the convention they outlined all of the things they were going to do, once they were in power, in both the Congress and the executive branch. Well, Harry Truman called the Congress back into session. If that’s what the Republicans really will do when they are in charge, let them do it now. He called the Congress back into session after the Republican convention and said to them: Here is your opportunity. Here is your platform. Pass your platform.

Well, Robert Taft, who was the dominant Republican—the man whose picture graces the outer lobby here as one of the five greatest Senators who ever lived—made what I think was a miscalculation. He thought Harry Truman was so unpopular in the country at large that the Congress could thumb its nose at the President of the United States, and he said: We are not going to do anything in this session that the President has called us into. We are not going to play his game.

So the Republican Congress adjourned after that special session without having done anything—deliberately, without having done anything. Harry Truman then went out and ran against the do-nothing 80th Congress and got himself elected in his own right as President of the United States. It was one of the great political moves of opportunity. Here is your opportunity. Here is your platform. Pass your platform.

That is not what we are dealing with here. We are not dealing with a Republican Party that doesn’t want to act. We are not dealing with a Republican Party that doesn’t want to solve the people’s problems. We are dealing with a Republican Party that is trying desperately to perform the one absolutely required constitutional function that the Congress has, which is to fund the Government. We are trying to pass appropriations bills that fund the Government. That there won’t be a Government shutdown, there will not be a continuing resolution, there will not be a crisis at the end of the fiscal year.
When we try to move to the bills that will fund the Government, we run into procedural roadblocks on the part of those who are then talking about running against a do-nothing Congress. That is what is going on here.

If we have to say it again and again and again, and so that our constituents finally begin to understand it, I am willing to say it again and again and again. We have discovered that one of the strategies being played out in this great campaign forum is to take an amendment that is seen as a tough political vote, bring it up, see it defeated, and then the next week bring it up again, and then complain when the Republicans say we have already voted on that; we don’t need to vote on it again. Oh, yes, you do, says the leadership on the other side; let’s vote on it again.

If we vote on it again and defeat it, thinking, OK, we have had a debate and we have taken our tough political vote, we have made it clear where we stand on this issue, let’s move forward, no, we are told somehow when you want to move forward without bringing up this amendment again: You are thwarting the will of the Senate; bring the Senate into another version of the House of Representatives if you won’t let us vote on this controversion amendment a third time.

If it gets voted on a third time, then it comes up a fourth time. If it gets voted on a fourth time, it comes up a fifth time. Every time the majority leader says: We have done that, we have debated that, we have voted on that, he is told: No, if you take a position that prevents us from voting on it again, you are destroying the sanctity of this institution. Well, now we are being told we are interfering with the President’s constitutional right to appoint judges. I find it interesting because Hurst XX has XX times that this Congress has confirmed more judges in an election year than previous Congresses. Quoting from my colleague, the chairman of the Judiciary Committee, and therefore in a position to have those statistics there are fewer vacancies in the Federal judiciary now than when the Democrats controlled the Congress and the Republicans controlled the White House in an election year. If I may quote from Senator Hatch:

Democrats contend that things were much better when they controlled the Senate. Much better for them, perhaps. It was certainly not better for many of the nominees of President Bush. At the end of the Bush administration, for example, the vacancy rate stood at nearly 12 percent. By contrast, as the Clinton administration draws to a close, the vacancy rate stands at just 7 percent.

Well, turning it around, the vacancy rate we are facing now is roughly half that which a Democratic Senate gave to President Bush as he was facing re-election. Oh, but we are being told: No, there are judges who have languished for a long time; therefore, we should have a vote on the judges whose names have been before us the longest before we have a vote on the judges who may have been nominated more recently, and it is terrible to hold a judge or any nominee for a long period of time. We need to give him or her a vote. We need to bring the names to the floor of the Senate and the minority leader should decide which name is brought to the floor of the Senate.

I remember when I first came to this body, I was assigned to the Banking Committee. I was told: Here is a nominee sent forward by President Clinton whom the chairman of the Banking Committee didn’t like. The chairman of the Banking Committee at the time was, of course, a member of President Clinton’s own party. But his objection, as I understood it—and I may be wrong—was that this particular nominee had too much Republican background on his resume, that this particular nominee had not been ideologically pure enough for the chairman of the Banking Committee. As I say, that is my memory, and I could be wrong. But that was the very strong position on the part of the chairman of the Banking Committee. That nominee didn’t come up for a hearing before the Banking Committee for the entire 2 years that the Democrats controlled the Banking Committee and that man was the chairman. Any attempt on the part of anybody else to get that particular nomination moving was thwarted by the chairman.

Now, what if the then-minority leader, Senator Dole, had come to the floor and said we will not allow anything to go forward until this nominee comes to the floor for a vote? How would people have reacted to that kind of action on the part of the minority leader if the entire minority had gathered around him, and said: We will stand with you, we will filibuster the nominee until we do everything we can to bring the Senate to a complete halt until this nominee has languished in the Banking Committee for almost 2 years is brought forward? I am pretty sure I know what George Mitchell would have told Bob Dole. I am pretty sure I know what the majority leader would have said under those circumstances. It probably would not be as mild as the comments Trent Lott is currently making about demands that are being made with respect to specific judges by name—not the agreement that the minority leader and the majority leader made where the majority leader said: All right, we will move forward on judges; we will bring a determined number of judges forward—but to say, no, we are now changing, and we are demanding a specific name be brought forward or we will shut the whole place down, and then come to the floor and say somehow the work of the people is not getting done. I am willing to take the tough votes that are being referred to on the floor. I have taken the votes on guns. I have taken the votes on abortion. I have taken the votes on minimum wage. I have taken the votes on Patients’ Bill of Rights. I have taken the votes on prescription drugs for seniors. I have a record now that I will have to stand and defend before my constituents.

I don’t apologize for the fact that I backed the majority leader in his position that we don’t need to take those votes again. While we are in the process of trying to fund the Government and discharge our constitutional responsibility, we don’t need to sidetrack that business to go over old ground. If there is an election that has come up so that there are new people here and the electoral balance has shifted, it obviously makes sense to take those votes against. But to have the same people in the same Chamber and the same Congress in the same session repeat the votes again and again and again doesn’t make any sense when the process of debating each one of those votes again and again and again delays the whole legislative process to the point that we get to what I sadly have to conclude is the goal here, which is to create a do-nothing Congress so that some people can run against a do-nothing Congress.

If it means the majority leader has to go as tough as George Mitchell, if it means the majority leader has to be as firm as his predecessors, who were Democrats who were firm in order to move the people’s business, I support the majority leader. It does not disgrace this body. It does not take this body away from its traditions. It is in the tradition of the body to move legislation forward and get the people’s business done.

I applaud Senator Lott for his courage and his leadership in moving us in this direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. BENNETT. Mr. President, will the Senate yield for a leadership motion?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. SMITH of Oregon. I yield to the Senator to make a request.

The PRESIDING OFFICER. Mr. Bennett, Mr. President, I ask unanimous consent that at the hour of 5 p.m. the Senate proceed to adopt the motion to proceed to the Treasury/Postal appropriations bill; that immediately after that the Senate vote on cloture on the motion to proceed to the intelligence authorization bill; that immediately after that vote, regardless of the outcome, the Senate proceed to a period for morning business until the Senate completes its business today, and that the Senate proceed without any intervening action or debate.

I announce that the cloture vote regarding the motion to proceed to the
intelligence authorization bill which will occur at 5 p.m. this evening will be the last vote today. We would then go into a period for morning business and conclude the session for the day with the exception of any conference reports or wrap-up items that may be cleared for action.

I further ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. tomorrow; that the call of the calendar be waived and the remaining hour be deemed to have expired; that there then be a period for eulogies for our former colleague Senator Coverdell as previously ordered; that following the swearing in of our new colleague, ZELL MILLER, at 11 a.m. and his eulogy of Senator Coverdell, the Senate adopt the motion to proceed to the intelligence authorization bill, if its pending, and then vote on the closure vote on the motion to proceed to the energy/water appropriations bill, and that all will occur without any intervening action or debate.

The PRESIDING OFFICER. Is their objection?

Mr. REID. Reserving the right to object, Mr. President, I want to say to my friend from Utah, for whom I have the highest regard, he is a great Senator. I have personal feelings toward him that he understands. But I want to just say a couple of things before we settle this little bit here.

I served under George Mitchell. Never did Senator Mitchell prevent the minority from offering amendments. That is our biggest complaint in this body—that the majority will not allow the minority to offer amendments. We believe the Senate should be treated as it has for over 200 years. If that were the case, we wouldn’t be in the situation we are in now.

I also say to my friend that the percentage on the judges doesn’t work because it is being done with a larger number. Of course, if you have a larger number of judges, which has occurred since President Reagan was President, you could have a smaller percentage. That means a lot more judges. As we know, you can prove anything with numbers.

I also say that one of the problems we have with judges is my friend from Michigan has one judge who has waited 1,300 days. That is much shorter than the 2 years my friend talked about in regards to the Ranking Committee. In fact, I think the majority is protesting too much.

I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Mr. President, in light of this agreement, a rollover call vote will occur at 5 p.m. today on the motion to proceed to the intelligence authorization bill. Another rollover call vote will occur at 11 a.m. on Thursday on the motion to proceed to the energy and water appropriations bill.

I thank the Senator from Oregon. The PRESIDING OFFICER. The Senator from Oregon has the floor. Mr. HARKIN. Mr. President, will the Senate yield for a unanimous consent request?

Mr. SMITH of Oregon. I would be happy to yield for a unanimous consent request.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senator from Oregon finishes this remarks, the Senator from Iowa be recognized to make some remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon, Mr. SMITH of Oregon, Mr. President, I thank you for the time. I am here today at the request of my leader. I am here today to talk to the people of Oregon and to the American people.

I am often asked in townhall meetings why it is that we don’t seem to be getting much done. Every time people turn on C-SPAN they see Republicans and Democrats bickering. I have said to them I know it is frustrating. I know you do not like it. I know it sometimes isn’t pleasant. But, frankly, rather than criticize it, we ought to celebrate it because this is the way we go about the business of government of a free people—of exchanging ideas, and using words as our weapons and not actual bullets.

This contest between Republicans and Democrats is not an unhealthy thing. But I must admit to the American people of Oregon that what I see happening on the Senate floor right now is nothing to be celebrated.

I came to the Senate looking for solutions—not looking for a fight. I don’t mind a good debate. I don’t mind taking tough votes. Frankly, I have learned that the tough votes are sometimes the most memorable because they are difficult. They set you apart. They make you a different politician. I believe in a good debate. I believe in differences of opinion. I don’t mind taking tough votes. Frankly, I have learned that the tough votes are sometimes the most memorable because they are difficult. They set you apart. They make you a different politician. I believe in a good debate. I believe in differences of opinion. I don’t mind taking tough votes.

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I have heard from colleagues on both sides of the aisle that this session of Congress has been pretty bickering. But I don’t think politics is going to prevail over policy, and that there will be gridlock until the election so that the greatest political advantage can be made out of the Congress.

I am disappointed in that. I didn’t come here for that. I didn’t fight as hard as I did to win a seat in this body to just play that kind of a game. I find on the Democratic side people of honor and good will. I hope they find that in Republican and the people of the Senate. Then if my heirs are unwise, my sons and my daughters receive my estate. I think that is about freedom. I think that is about rights. I think we owe them the same. I understand that the White House is
When it comes to the marriage penalty tax cut, they are complaining again that too few people will benefit. You say it affects people disproportionately. But many married people will benefit. Again, it is hard to give tax cuts to those who do not pay taxes and not shamed of voting to cut taxes for married people. Some people say that is unfair. However, I think we ought to incentivize marriage. It is a cornerstone of our society. Take religion out of it. Sociologists and psychologists will say for a child to have the best chance in life they need a mom, they need a dad. Those are the kinds of things we ought to be incentivizing— not penalizing.

Without any embarrassment, I am proud to have voted to end the marriage tax penalty and the death tax penalty. These are bad tax policies. We have voted to end them. If they don’t like the distribution of them, fine. But we have cast these votes. They voted one way and another. They took their tough votes. As Senator BENNETT said, we have taken the gun votes. We have taken the votes on abortion. We have taken a whole range of votes. We have taken a vote against their prescription drug plan.

Let me go to prescription drugs for a minute. I am a member of the Budget Committee. I have sensed in the people of Oregon a real desire for a prescription drug benefit. I want to deliver for the people of Oregon a real desire for a prescription drug benefit. I want to do this. I don’t want Congress making these fundamental irreversible decisions on such a basis. These are important issues. We should not be giving in to this kind of political pressure for expediency, for an election. We should do it carefully. We should make sure it comes to play a role in prescription drugs. I will spend what I have to make sure you have a choice, that it is voluntary, and that it is affordable.

Under the President’s plan, I bet there is better than half of the American people who would be eligible for it, who would not pay less for prescription drugs, yet would be forced to pay more. Is that what we want? That is not voluntary. That is about Government telling you what pill you need to take. I have talked about taxes. I have talked about prescription drugs. Let me end by talking a little bit about this other great frustration I hear from the people of Oregon and that is the cost of gas, the cost of energy.

There is plenty of blame to go around. I am sure. I am not defending big oil. I am not defending the Government, either. But what I am telling you is our country has an enormous trade deficit because we are spending over $100 billion per year on foreign oil. When President Carter was the President, we had gas lines and we had shortages. I remember waiting over an hour every time I went to get gasoline. When that occurred, our country was 36-percent dependent on foreign oil. We are 56-percent dependent now. Do you know why? Because in the life of this administration we have had over 30 oil refineries close; we have had leases canceled on a tremendous component; and we have had an increasing dependence—not less—on foreign oil. I tell the American people, that is why you are paying too much. That is why you are paying more than you need to, because we are being held hostage to a cartel of foreign nations—many that wish us ill, many that would like to put us over an oil barrel and push us over.

I am saying I don’t like drilling for oil. Every one of us drives a car and for a lot of us, the oil that drives that car is refined in Texas. Everyone of us likes the freedom of an automobile. Frankly, I would rather say to the American people: Let your sons and daughters drill for oil so they do not have to die for oil. We are setting them up to die for oil if we do not figure out some better balance between production and conservation.

Conservation is important. I vote for conservation initiatives. I would like to see the life of this administration end with a conservation initiative. But the whole answer. You have to produce something. A third of our trade deficit is due to foreign oil. If you want an independent country, if you want an independent foreign policy, you cannot be totally dependent, as we are becoming, on foreign oil. But there you have it. That has been the policy of this administration.

Finally, our Vice President said he wants to outlaw or get rid of the internal combustion engine. In my neck of the woods, we have the incredible benefit of hydroelectric power. We have low energy rates because of hydroelectric power. But, guess what, they are talking about tearing them down. They want to tear out the most clean, the most renewable, most energy supply that we have. Guess what happens when you do that. You lose— the recreation is gone, but, more importantly, you lose the irrigation for farmers, you lose the transportation of raw materials. How do you move all the way from Montana, Idaho, Washington, Oregon to the Port of Portland and around the Pacific rim. You lose the ability to use this system of locks to move vast quantities of agricultural and other commodities.

I don’t think we want to do that. I think it is very unwise. If you want to get rid of the internal combustion engine—let’s examine this briefly. Right now, to move about a half a million bushels of grain, you need four barges that move through these locks. Four barges use very little energy. It just floats and makes its way to the Port of Portland. Get rid of the locks or dams, guess what, you have to truck them or rail them. How many railcars does it take to replace the four barges? It takes 140 jumbo railcars to move the same volume.

The tracks, the infrastructure is not there to do all the railing. So then you go to trucks, internal combustion engines. Guess how many trucks it takes: Four barges versus 539 large “semi” trucks. Guess what creates pollution. Guess what creates damage to your roads. That will do it. And other costs fair about this. When we are becoming so dependent on foreign oil, so dependent upon foreign energy, so dependent as a superpower on others, I think it is very imprudent to begin tearing out our energy infrastructure.

So I will close, and I say again with a heavy heart, I think right now politics is prevailing over good policy. I think that is too bad. But let me tell you, the real losers will be the American people if the Republican majority comes to the kind of tactics that say if you don’t take everything we want we are going to make you look like you shut the Government down.
There are a lot of us who are earnestly striving to do our duty, as is incumbent upon the majority, to move the business of the people while at the same time being fair to the minority. But how many times do we have to cast the same vote? Please, help us here. I plead with the President. Let’s get something done. Let’s deal in good faith. We don’t have to let politics prevail. Because if we do, the legacy of this President and this Congress will be the words ‘it might have been.’

It is better to do less than that. But I, for one, believe in our Republic. I believe in our separation of powers. I will be very disappointed in my leaders if we cave in to a King. We cannot do that. We are not going to cave in to a King. We need to stand up for our institution. Moreover, we need to pay attention to the details of our policy. Because if we work it out with civility, we will work it out right for the American people.

I yield the floor.

Mr. REID. 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 thank the Chair.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 654, S. 2597, the Intelligence Authorization Act for fiscal year 2001:

Trent Lott, Richard Shelby, Connie Mack, Ben Nighthorse Campbell, Michael D. Crapo, Rick Santorum, Wayne Allard, Judd Gregg, Christopher Bond, Conrad Burns, Craig Thomas, Larry E. Craig, Robert F. Bennett, Orrin Hatch, Pat Roberts, and Fred Thompson.

The PRESIDING OFFICER (Mr. VOINOVICH). By unanimous consent, the mandatory quorum call rule has been waived.

The question is, is it the sense of the Senate that debate on the motion to proceed to the consideration of S. 2597, a bill to authorize appropriations for the fiscal year 2001 for intelligence and intelligence-related activities of the U.S. Government, to be funded from the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS) is necessarily absent.

Mr. REID. I announce that the Senator from Minnesota (Mr. WELLSTONE) is necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE), would vote ‘aye.’

The yeas and nays resulted—yeas 96, nays 1, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—96

Abraham  Enzi
Allard  Enzi
Ashcroft  Enzi
Baucus  Enzi
Bayh  Enzi
Bennett  Enzi
Biden  Enzi
Bingaman  Enzi
Bond  Enzi
Boxer  Enzi
Breaux  Enzi
Brownback  Enzi
Bunning  Enzi
Burns  Enzi
Byrd  Enzi
Campbell  Enzi
Chafee  Enzi
Chambliss  Enzi
Collins  Enzi
Conrad  Enzi
Craig  Enzi
D阪hie  Kyl
DeWine  Kyl
Dodd  Kyl
Domenici  Kyl
Dorgan  Kyl
Durbin  Kyl
Edwards  Kyl
Enzi  Kyl
FAS  Kyl
Feinstein  Kyl
Frist  Kyl
Graham  Kyl
Grassley  Kyl
Gregg  Kyl
Gregg  Kyl
Gregg  Kyl
Gregg  Kyl
Hatch  Kyl
Hutto  Kyl
Lieberman  Kyl
Lott  Kyl
Lugar  Kyl
McCollen  Kyl
Mikulski  Kyl
Minnihan  Kyl
Markowski  Kyl
Murray  Kyl
Nichles  Kyl
Reed  Kyl
Reid  Kyl
Risch  Kyl
Roberts  Kyl
Roberts  Kyl
Rockefeller  Kyl
Rockefeller  Kyl
Robb  Kyl
Sarbanes  Kyl
Schumer  Kyl
Smith  NH  Kyl
Smith  OR  Kyl
Smith  NH  Kyl
Smith  OR  Kyl
Smith  OR  Kyl
Smith  OR  Kyl
Snowe  Kyl
Specter  Kyl
Stevens  Kyl
Thompson  Kyl
Thurmond  Kyl
Torricelli  Kyl
Voinovich  Kyl
Warner  Kyl
Warner  Kyl
Warner  Kyl
Wyden  Kyl
YEAS—96

NAYS—1

Gorton

NOT VOTING—2

Thomas  Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senate is now in morning business.

EMBARGO ON CUBA

Mr. BAUCUS. Mr. President, this morning we voted on cloture on the motion to proceed to the Treasury-Postal appropriations bill. I rise to address an issue that will certainly arise in the debate. The issue is the U.S. embargo on Cuba as it relates to food and medicine.

Earlier this month, I traveled to Havana along with Senators Roberts and Akaka. It was a brief trip, but it gave us an opportunity to meet with a wide range of people. We met with Cuban Cabinet Ministers and dissidents, with the head of the largest NGO in Cuba, and also with a good number of foreign ambassadors, and with President Fidel Castro himself. I might say that was a marathon 10-hour session, about half of it with our Cuban friends.

I left those meetings more convinced than ever that it is time to end our cold war policy towards Cuba. We should have normal trade relations with Cuba. Let me explain why.

First, this is a unilateral sanction. Nobody else in the world supports it. Not even our closest allies. Unilateral economic sanctions, don’t make sense unless our national security is at stake. Forty years ago Cuba threatened our national security. The Soviet Union planted nuclear missiles in Cuba and aimed them at the United States. Twenty years ago, Cuba was still acting as a force to destabilize Central America.

Those days are gone. The missiles are gone. The Soviet Union is gone. Cuban military and guerrilla forces are gone from Central America. The security threat is gone. But the embargo remains.

My reason for my opposing unilateral sanctions is entirely pragmatic. They don’t work. They never worked in the past and they will not work in the future. Whenever we stop our farmers and business people from exporting, our Japanese, European, and Canadian competitors rush in to fill the gap. Unilateral sanctions are a hopelessly ineffective tool.

The second reason for ending the embargo is that the US embargo actually helps Castro.

How does it help Castro? I saw it for myself in Havana. The Cuban economy is in shambles. The people’s rights are repressed. Fidel Castro blames it all on the embargo. He uses the embargo as the scapegoat for Cuba’s misery. Without the embargo, he would have no one to blame.

For the past ten years I have worked towards normalizing our trade with China. My operating guideline has been ‘Engagement Without Illusions.’ Trade rules don’t automatically and instantly yield trade results. We have to push hard every day to see that countries follow the rules. That’s certainly the case with China.

I have the same attitude towards Cuba. Yes, we should lift the embargo. We should do it without preconditions and without demanding any quid pro quo from Cuba. We should engage them economically. But we should do so without illusions. Once we lift the embargo, Cuba will not become a major buyer of our farm goods or manufactured products overnight.

We need to be realistic. With Cuba’s failed economy and low income, ending the embargo won’t cause a huge surge of U.S. products to Cuba. Instead, it will start sales of some goods, such as food, medicine, some manufactures, and some telecom and Internet services.
In addition, ending the embargo will increase Cuban exposure to the United States. It will bring Cubans into contact with our tourists, business people, students, and scholars. It will bring Americans into contact with those who will be part of the post-Castro Cuba. It will begin the process of Cuba’s tourist infrastructure, helping, even if only a little, to further develop a private sector in the economy.

In May of this year, I introduced bipartisan legislation that would repeal all of the Cuba-specific statutes that create the embargo. That includes the 1992 Cuban Democracy Act and the 1996 Helms–Burton Act. I look forward to the day when that legislation will pass and we have a normal economic relationship with Cuba.

Until that day, I support measures such as this amendment which dismantle the embargo brick by brick. The sanctions on sales of food and medicine to Cuba are especially offensive.

Last year, legislation to end unilateral sanctions on food and medicine passed the Senate by a vote of 70 to 28. That legislation was hijacked by the House in conference. This year we passed similar legislation again as part of the Agriculture appropriations bill. I hope our conference report aligns firm and ensures its passage this year, with one correction.

This year the sanctions provisions of the Agriculture appropriations bill contain no new requirement. The bill requires farmers who want to sell food to foreign governments of concern to get a specific license. That is needless red tape which will make it harder to export. Last year the bill we passed had no such licensing requirement. We should strike that provision in the Agriculture appropriations conference this year.

When we begin debate on the bill, one of my colleagues will offer an amendment to require the report on unilateral sanctions on food and medicine. The amendment will cut off funding to enforce and administer them. The House passed a similar measure by a substantial majority. We should do the same in the Senate.

Mr. President, I hope that all of my colleagues will vote in favor of this amendment and will support the ultimate lifting of the entire Cuba trade embargo.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DOMENICI. Will the Senator yield for a unanimous-consent request?

Mr. MCCAIN. Yes.

Mr. DOMENICI. Mr. President, I ask unanimous consent that notwithstanding rule XXII, following the 11:30 cloture vote the Senate proceed to consideration of the conference report to accompany H.R. 4576, the Defense appropriations bill. Further, I ask unanimous consent that there be up to 60 minutes for Senator McCaskill and Senator Wyden and up to 15 minutes under the control of Senator Gramm, with an additional 6 minutes equally divided between Senators Stevens and Inouye, and 20 minutes for Senator Byrd, and following that debate the conference report be laid aside.

I further ask consent that the vote on the conference report occur at 3:15 p.m. on Thursday, without any intervening action or debate, notwithstanding rule XXII, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator McCaskill and Senator Wyden be recognized to speak in morning business immediately following the remarks of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, the Balkans, with Gavrilo Princip’s assassination of Austrian Archduke Francis Ferdinand in Sarajevo, Bosnia in 1914, started the devastation of World War I. World War II had deep ties to the region as well. The Truman doctrine, the basis of American policy throughout the cold war, began with President Truman’s decision to support anti-Communist forces. The Truman Doctrine and the Truman Doctrine is a testament to America’s commitment in the aftermath of the Kosovo crisis to integrate the region into the broader European community. This commitment is consistent with the pillar that has bound the United States and Europe since the end of World War II—a belief in the peaceful influence of stable democracies based on the rule of law, respect for human rights and support for a market economy in Europe.

However, the Balkans continue to be unstable. Slobodan Milosevic constantly stirs trouble in Kosovo and Montenegro. The minority communities of Kosovo are suffering under a systematic effort by extremist ethnic Albanians to force them out. Moderate Albanians in Kosovo are threatened for simply selling bread to a member of the Serb community. As long as this instability remains, the shared European and American goal of a whole and free Europe is not achievable.

The Balkans in the European community of democracies would promote our Nation’s strategic interests. By providing a series of friendly nations south from Hungary to Greece and east from Italy to the Black Sea, we would be in a much better position to deter regional crises and respond to them should they occur. The link to the Black Sea would also provide a link into central Asia in the event that the protection of our national security interests were ever threatened in this area.

The U.S. and the EU account for more than 30 percent of world trade. The EU receives more than 10 percent of our total exports and is our largest export market for agricultural products. The nations of the Balkans, due to their proximity to the EU’s common market, have tremendous potential for growth. As members of the EU, these nations could expand their trading ties. Additionally, many in the Balkans have excellent educational backgrounds and work experience that would be invaluable to an American investor. Many nations could be considered for EU membership began their transition from command economies in a much worse position than the nations of southeastern Europe. If these nations make enough progress to be considered for EU membership in the short-term, surely Croatia, Macedonia, Romania, and Bulgaria can as well.

While we have done much as a country to respond to human suffering around the world in recent years, these efforts are made after the fact. This is a mistake that reflects the Clinton administration’s lack of foresight. In Kosovo, for example, our lack of preparation for the refugees created by Milosevic’s aggression was inexcusable. We must avoid this type of tragedy again—the refugees, the homelessness, the starvation—we must re-examine our response.

I believe that the following steps should be taken to advance our goal of an integrated, whole, and free Europe: NATO and EU membership. The status of southeastern Europe must be
involved in these institutions to ensure their long-term peace, security, and prosperity. However, invitations for membership should only be offered once the nations have met the established membership criteria.

I strongly supported the Stability Pact—The Pact, initiated by the Europeans to encourage democracy, security, and economic development in the region, must be fully implemented. There has been much talk and promises made about the Pact. Now is the time for action. The Europeans must begin to build the infrastructure projects they have promised in the region.

Open European markets—The Europeans have made a commitment to integrate the region into the broader European community. Lowering tariffs on the import of goods from the region would do much to encourage needed foreign investment. Investment, in turn, would speed development which would lead to the integration for which the Europeans have called.

To make these initiatives work, the Clinton administration must show more leadership than they have since the Kosovo crisis began. With the debacle of Bosnia in its background, coupled with policies for the region over the last 18 months, our record in the region has been dismal. Implementing the above plan will begin to better this record.

THE SITUATION IN THE BALKANS

Mr. President, as I think back to last year, I remember the the horror unleashed on the innocent people of the new Balkans. They were pursued by the brutal forces of the Serb minority, who were pursuing their dream of an ethno-national state. Their plan was evil in its inception and execution.

The refugees left their homes, abandoned nearly all of their possessions and took to the roads to avoid the inner circle of thugs, to instill fear through rape, torture, and murder was designed to drive the ethnic Albanian community out of Kosovo. Their plan was evil in its inception and execution.

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And now that the air war in the Balkans has been over for a little more than a year, most Americans assume that the situation in Yugoslavia is now
under control and that Serbs and Albanians in Kosovo have put aside their differences, declared peace and are working towards establishing a cooperative society.

How I wish that was true.

In fact, the reason I have come to the floor today is to make my colleagues and this nation aware what many in the European community already know, and that is, ethnic cleansing is being carried out in Kosovo today.

In the wake of the air war, a backlash of violence is now being perpetrated against minority groups in Kosovo, including Serbs, Romans, and moderate Albanians who are now trying to rebuild Kosovo. They have been attacked and killed by more radical, revenge-driven elements in the Albanian community, their homes and businesses have been burned and Serbian Orthodox churches and monasteries—some hundreds of years old—have been desecrated and destroyed.

I ask unanimous consent to print in the RECORD a document which summarizes the incidents of arson and murder that have occurred in recent months in Kosovo. These numbers were prepared by the OSCE, which is known for its independence.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A report released on June 9, 2000 provides recent numbers associated with violent crime that continues to threaten peace and reconciliation efforts in Kosovo. The report, UNHCR/OSCE Update on the Situation of Ethnic Minorities in Kosovo, provides details on the three most prevalent crimes affecting minorities in Kosovo since January 2000. They are as follows:

**ARSON, AGAINST**

| Serbs | 105 cases |
| Roma | 20 |
| Muslim Slavs | 5 |
| Albanians | 73 |
| Persons of unknown ethnicity | 40 |

**ASSASSINATION ASSAULT, AGAINST**

| Serbs | 49 cases |
| Roma | 2 |
| Muslim Slavs | 2 |
| Albanians | 90 |
| Persons of unknown ethnicity | 9 |

**MURDER, AGAINST**

| Serbs | 26 cases |
| Roma | 7 |
| Muslim Slavs | 2 |
| Albanians | 52 |
| Persons of unknown ethnicity | 8 |

According to the report, lack of security and freedom of movement remain the fundamental problems affecting minority communities in Kosovo. Though the Serbian population has been the minority group most affected by criminal activity, the ethnic Albanian community continues to be subject to serious threats attacks on a regular basis.

Mr. VOINOVICH. Mr. President, in addition, Bishop Kyr Artemije, a leader of the Kosovo Serbs, presented similar statistics documenting the violence and bloodshed that has been carried out in Kosovo since the end of the war in February of 1999. The day before the Helsinki Commission this past February. His statistics were updated and verified at a recent meeting that I and several of my colleagues had with the Bishop over the Fourth of July recess in Kosovo.

I ask unanimous consent that Bishop Artemije's February testimony be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. VOINOVICH. Mr. President, in addition, a July 3 article written by Steven Erlanger for the New York Times, discusses the observations Dennis McNamara, the U.N. special envoy for humanitarian affairs in Kosovo, had regarding the status of the situation in Kosovo today, particularly how minorities have been treated since the end of the air war and how minorities are being pushed out of Kosovo in a continuous and organized manner.

McNamara is quoted as saying that:

"(this) violence against the minorities has been too protracted and too widespread not to be systemic."

McNamara goes on to say:

"We can’t easily say who’s behind it, but we can say we have not seen any organized effort to stop it or any effort to back up the rhetoric of today’s Albanian leaders with any meaningful action.

The genocide that was inflicted upon thousands of Albanians is absolutely inexcusable and totally reprehensible. Crimes that are perpetrated against innocent civilians must always be condemned and those who carry out such acts must be prosecuted. That is why I do not understand why the President, the Secretary of State, and others in this administration have not been as vocal about the ethnic cleansing that is now being perpetrated as they were last year.

In fact, the condemnation for the ethnic cleansing that is now occurring in Kosovo is virtually nonexistent on the part of this administration. I am deeply troubled and disappointed.

Because I have been following this matter so closely since the conclusion of the air campaign, I have had the opportunity to have a number of off-the-record, informal conversations with people both inside and outside of our Government. While I am reluctant to share this with my colleagues, I feel that I must. There is a feeling by many who are following the ongoing ethnic cleansing in Kosovo that there are some in our Administration who believe that the Serb community in Kosovo is simply getting what they are due.

In other words, the murders, arsons, harassment and intimidation that extremist members of the Kosovo Albanian community are committing against the Kosovo Serb community is not acknowledged and accepted given what the Serbs did to the Albanians.

A July 17 article written by Steven Erlanger of the New York Times makes this point as well. It describes how U.N. director of Kosovo administration, Bernard Kouchner, has been working to foster peace and stability among Albanians and Serbs in Kosovo. He points out that no one is paying much attention now that the tables have turned.

Kouchner says:

"I’m angry that world opinion has changed so much. They were aware before of the beatings and the killings of Albanians, but now they say, 'There is ethnic cleansing of the Serbs.' But it is not the same—it’s revenge."

And McNamara makes the same point. He says:

"There was from the start an environment of tolerance for intolerance and revenge. There was no real effort or interest in trying to deter or stop it. There was an implicit endorsement of it by everybody—by the silence of the Albanian political leadership and by the lack of active discouragement of it by the West."

Mr. President, I ask unanimous consent that these two New York Times articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. VOINOVICH. The United States must not now—or ever—condone this revenge approach in Kosovo in either thought, word or deed. We must maintain and promote our values as a nation—a respect for human rights, freedom of religion, freedom from harassment, intimidation or violence.

If this administration, and the next, does not acknowledge and seriously address the plight of Kosovo Serbs and other minorities in Kosovo, then I think that within a year’s time there will not be any minorities still in Kosovo. To prevent this, I believe we should be more aggressive towards protecting minority rights in Kosovo immediately.

If we do not, I am concerned that the extremist members of the Kosovo Albanian community will continue to push out all minority groups until they have achieved their dream of an Albanian-only Kosovo. In other words, if we do nothing, there will be many who will argue that the ethnic cleansing of Kosovo was tacitly endorsed by the lack of leadership in the international community.

It is important to note that the problem does not rest with our KFOR troops, for they have been restricted in what they can and cannot do. These men and women are doing a terrific job under difficult circumstances. I know what they’re going through because, last February, I walked through the village of Gnjilane with some of our soldiers, and saw first-hand the restrictions they were under.

While I was in Kosovo over the 4th of July recess, I had the opportunity to visit our troops at Camp Bondsteel. Every soldier that I spoke with talked of their commitment to their mission and ensuring the safety of the citizens of Kosovo. I fully believe that it is because of these troops that there is not further violence.

I do have hope that we can bring an end to the bloodshed in Southeastern Kosovo.
Europe, and I believe that there are some within the Kosovo Albanian community who can prevail upon the better instincts of their fellow man in a commitment towards peace.

Earlier this year, at the headquarters of the United Nations Mission in Kosovo, UNMIK, in Pristina, Kosovo, I had the opportunity to sit down and meet with several key leaders of the Kosovo Albanian community and representatives on the Interim Administrative Council—Dr. Ibrahim Rugova, Mr. Hashim Thaci, and Dr. Rexhep Qosja.

All three leaders made a very clear promise to me that they were committed to a multi-ethnic, democratic Kosovo, one that would respect the rights of all ethnic minorities. I was heartened to hear these comments. This commitment could serve as the basis for long-term peace and stability in Kosovo.

I said that they could go down in history as truly great men were they to make this commitment a reality. I explained that the historic cycle of violence in Kosovo must end and minority rights must be respected—including the sanctity of churches and monasteries.

I also point out to them that “revenge begets revenge” and unless Albanians and Serbs learned to live in peace with one another, violence would continue to plague their children, their grandchildren and generations yet unborn.

It is my hope that they will realize that they and their actions will be keys to the future of Kosovo.

We all want peace to prevail in the Balkans, but we have a long way to go for that to happen. I believe we should listen to the words of His Holiness, Patriarch Pavle, the head of the Serbian Orthodox church, who states, “in Kosovo and Metohija there will be no victory of humanity and justice while revenge and disorder prevail. No one has a monopoly to celebrate victory completely. As long as one kind of evil replaces another, and the freedom of one person rests upon the slavery of another.”

The Patriarch’s call for leadership in protecting all citizens in Kosovo is one that this nation should heed if peace and stability in Kosovo is our goal.

At the OSCE meeting in Bucharest, I introduced a resolution on southeastern Europe that had the support of several of the legislative colleagues from the U.S. The main point of the resolution that I offered was to call to the attention of the OSCE’s Parliamentary Assembly the current situation in Kosovo and Serbia, and made clear the importance of removing Slobodan Milosevic from power.

Mr. President, I ask unanimous consent that the entire text of the resolution, as passed by the OSCE Parliamentary Assembly, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. VOINOVICH. My resolution put the OSCE, as a body, on record as condemning the Milosevic regime and insisting on the restoration of human rights, the rule of law, free press and an end to ethnic cleansing in Serbia. I was pleased that this resolution passed—despite strong opposition by the delegation from the Russian Federation—and I am hopeful that it will help re-focus the attention of the international community on the situation in the Balkans.

In conclusion, Mr. President, I believe that we are approaching a crossroads in Kosovo with two very different directions that we can choose.

The first direction—the wrong direction—involves more of the same of what we have seen in recent months. More bloodshed, more grenade attacks on elderly minorities as they sit on their porch. More land-mines on roads traveled by parents taking their children to school. More threats and harassment of minorities walking the streets in mixed villages and towns. All this would lead to the continued fleeing of minorities from Kosovo and the establishment of an Albanian-only Kosovo. Again, ethnic cleansing carried out under the nose of NATO and the U.N.

The second direction—the right direction—involves the international community, led by the United States, protecting the human rights of the minority communities of Kosovo. With this protection, the minority groups would feel safe in their homes and be comfortable enough to be involved in UNMIK municipal elections this fall, a key priority for UNMIK. Places of historical significance, especially Serbian Orthodox monasteries, would be safe from destruction from extremists.

Minorities would be safe to travel to the market in their own communities without needing KFOR protection, something that does not happen today. Kosovo Albanians who sell goods to minorities would not be threatened, harmed or killed, again, something that does not happen today. In short, bloodshed would stop under the watch of the international community.

And there is encouraging news. Just this last weekend, at Airlie House in Virginia, leaders of Kosovo’s Serb and Albanian communities met with the OSCE’s Permanent Council to discuss the future of Kosovo. In order to facilitate such returns, the parties insist that UNMIK and KFOR pursue fresh efforts to protect the rights of individuals to return to their homes, and to expand aid for reconstruction and economic revitalization in those communities.

They further agreed that a new model of security and law enforcement is needed, and that the international community must overcome its differences to that UNMIK and KFOR can take much stronger measures to carry out their security and law enforcement responsibilities.

Last but not least, the representatives recognize that the international community will not support a Kosovo cleansed of some of its ethnic communities. Rather, all these communities must work together to build a multi-ethnic Kosovo respecting the rights of all its citizens.

I say “Amen and Hallelujah!” to the fact that these two communities can come together and develop such an outline for peace.

There should be a loud voice coming out of this administration—the same loud voice that we heard last year—to the United Nations, to the UNMIK, and to our NATO Allies that we cannot allow ethnic cleansing of any kind to continue.

And I just want the administration to know that I am holding them responsible to make the same commitment to Kosovo now that they made during the war, specifically, to go in and make sure that NATO, UNMIK, and KFOR give the same priority to protecting minority rights today.

It is up to the United States to provide the leadership to make sure that the items that the representatives at Airlie House identified as important are actually carried out by the UNMIK and by KFOR in cooperation with the Serb and Albanian communities in Kosovo.

Individually, none of these entities can guarantee peace and stability in Kosovo. It is only by working together that peace will occur, and it is the primary reason that the U.S. needs to recommit itself to Kosovo.

We, the United States, with our strength and commitment to the protection of human rights, can largely determine which direction is taken in Kosovo. It is in our hands to live up to that potential.

It is in our national security interest. It is in our economic interest in Europe. It is in the interest of peace in the world that we make that commitment.

I yield the floor.
STATEMENT OF BISHOP ARTEMIJE, H ELSINKI

would then become a fait accompli. The

their holy sites in Kosovo independence

complete ethnic cleansing of the Province. The

and more a well-orchestrated nationalist ide-

retaliation against innocent civilians cannot

this mission in which the Western Govern-

any post war peace mission, especially for

in peacetime than the Albanian suffering

nians proportionally (with respect to popu-

this suffering of Serbs and other non-Alba-

during this same period of peace. Tragically,

20,000 people) fled the province under Alba-

non-Albanians is epidemic.

months of the internationally guaranteed

es, many of which had survived 500 years of

completely destroyed or severely damaged

Province but also the Romas, Slav Moslems,

other time in Kosovo's turbulent history.

regression is greater now than almost at any

Serbs and their property would be either

ter by quarter of a city would be cleansed of

national press Kosovo has become Colombia

smuggling, prostitution, white slavery, and

of organized crime; drug

The KLA, although officially disbanded is

hundreds of thousands of Kosovo refugees).

KFOR. Although Kosovo

remained more or less multietnic during the

today there is hardly any multiethnicity at all—
il fact the reverse is true. Ethnic seg-

not come for all equally. Therefore Kosovo

remained region, even after 8

months of international peace.

Kosovo Serbs and other non-Albanian groups in Kosovo live in ghettos, without se-
curity or human rights, with no guarantees of
defendants and so many innocent Albanians and Serbs

suffered in it. Many times we have strongly

condemned both Milosevic’s regime and Albanian extremists for leading the country into this by fraud and violence. This

alleged criminals and seized a large amount

of property previously owned by Serbs and

their ''taxes'' and ''protection money'' to ex-

obedient Kosovo Albanians who refuse to pay

The KLA, although officially disbanded

Kosovo Albanians who refuse to pay their "taxes" and "protection money" to ex-

KFOR. The Mitrovica crisis is not playing out in

favor of the Serbs and Serb cultural-monu-

ments and statues have been torn down and

The Serbs who remain in major cities are

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The Serbs who remain in major cities are

united city only if Serbs would be allowed to
the Administration to intervene on behalf of suffering Albanians. In fact international community now faces a serious failure in Kosovo because it has not managed to manage the Albanians. At the same time Milosevic has been politically strengthened by the bombing and sanctions (which ordinary Serbs understand as being directed at them) so that civil war - of course we expect now from the international community and primarily from United States to show more determination in protecting Kosovo inhabitants and other ethnic groups who suffer under ethnic Albanian extremists. A way must be found to fully implement UNSC Resolution 1244 in its whole.

We have a few practical proposals for improving the situation in Kosovo:

1. KFOR must be robust in suppressing violence, organized crime and should more effectively protect the non-Albanian population from extremists. This is required by the UNSC Resolution.

2. More International Police should be deployed in Kosovo. Borders with Macedonia and Albania must be better secured, and UNMIK should establish local administration with Serbs in areas where they live as compact population. Judicial system must become operational as soon as possible. International community must be ready at this stage when Kosovo judges cannot act impartially due to political pressures.

3. International community must build a strategy to return displaced Kosovo Serbs and others to their homes soon while providing better security for them and their relatives and cultural shrines. Post war ethnic cleansing must not be legalized nor accepted - private and Church property has to be restored to rightful owners. Law and order must be fully enforced at least at an initial repatriation of Serbs, Roman, Slav Moises and others Kosovo elections would be unfair and unacceptable.

4. The International Community, especially US, should make clear to Kosovo Albanian leaders that they cannot continue with the ethnic cleansing under the protection of the Federal Republic of Yugoslavia. It is our firm belief that the question of the future status of Kosovo must not be discussed between Kosovo’s Albanians and Serbs only, but between the international community and the future democratic governments of Serbia and FR Yugoslavia in accordance with international law and the Helsinki Final Act.

We believe in God and in His providence but we hope that US Congress and Administration will support our suffering people, which have been living without freedom for centuries, in the land of our ancestors.

**EXHIBIT 2**

U.N. OFFICIAL WARNS OF LOSING THE PEACE IN KOSOVO

(By Steven Erlanger)

The same as the ‘‘pillar’’ of the United Nations administration in Kosovo prepares to shut down, its job of emergency relief appeared to be over, its director has some advice for the next great international mission to rebuild a country: be prepared to invest as much money and effort in winning the peace as in fighting the war.

Dennis McNamara, the United Nations special envoy for humanitarian affairs, regional director for the United Nations high commissioner for refugees and a deputy to the United Nations chief administrator in Kosovo, Bernard Kouchner, leaves Kosovo proud of the way the international community saved lives here after the war, which ended a year ago.

Mr. McNamara helped to coordinate nearly 300 private and government organizations to provide emergency shelter, food, health care and transport to nearly one million Kosovo Albanian refugees who have returned.

Despite despair, the reconstruction, including severe shortages of electricity and running water, no one is known to have died here last winter from exposure or hunger. Up to half of the population — 500,000 people a day — was fed by international agencies last winter and spring, and a program to clear land mines and unexploded NATO ordnance is proceeding apace.

But Mr. McNamara, 54, a New Zealander who began his United Nations refugee work in 1975 with the exodus of the Vietnamese boat people, acknowledged continuing violence against non-Albanian minorities in Kosovo, especially the remaining Serbs and Roma, or Gypsies. He says the United Nations high commissioner and NATO have been too slow and timid in their response.

‘‘There was from the start an environment of tolerance for intolerance and revenge,’’ he said. ‘‘There was no real effort or interest in trying to deter or stop it. There was an implicit endorsement of it by everybody — by the ad hoc one of the Albanian political leadership and by the lack of active discourage- ment of it by the West.’’

Action was needed, he said, in the first days and weeks, when the old images of Albanian fury — killing Serbs, flogging Kosovo Serbs, burning their homes — were fresh in people’s minds. He said that in recent weeks there had been a new wave of complaints from Western leaders, including President Clinton, Secretary of State Madeleine Albright and the NATO secretary general, Lord Robertson, warning the Albanians that the West would not continue its support for Kosovo if violence against minorities continued at such a high rate.

But even those warnings and admonitions have not been followed by any action. Mr. McNamara noted. In general, and he others suggested, there is simply a tendency to put an optimistic gloss on events here and to avoid confrontation with former guerrillas and underground organizations. Kosovo is now a haven for former KLA guerrillas, with increasingly active gangs of organized criminals.

‘‘This violence against the minorities has been protracted and not to be eliminated,’” Mr. McNamara said, giving voice to views that he has made known throughout his time here. ‘‘We can’t easily say who’s behind it, but we can say we have not seen any organized effort to stop it or any effort to back up the rhetoric of tolerance and of the Albanian leaders with any mean-

In the year since NATO took over complete control of Kosovo and Serbian troops and police left the province, there have been some 500 killings, a disproportionate number of them committed against Serbs and other minorities.

But there has not been a single conviction.

The judicial system is still not functioning, and local and international officials here say that witnesses are intimidated or killed and that it is impossible to come forward. The KLA has been put on some judges to quit and many of these arrested for murder and other serious crimes have been released, either because of a lack of evidence or the fear of space or the inability to bring them to trial.

Only recently has the United Nations decided to bring in international prosecutors and judges who would be able to bring them to Kosovo has not been easy. And foreign governments have been very slow to send the police officers they promised to protect the streets.

Now, some 3,100 of a promised 6,400 have arrived, although Mr. Kouchner wanted 6,000. When Mr. McNamara, who has been a human rights lawyer, said the generally poor quality of the police officers who have come, some of whom have had to be sent home because they could neither drive nor handle their weapons. And coordination between the police and the military has been haphazard and slow.

‘‘The West should have started to build up institutions of a civil society from Day 1,’’ Mr. McNamara said. ‘‘And there should have been a wide use of emergency powers by the military at the beginning to prevent the growth of this culture of impunity, where no one is punished. I’m a human rights lawyer, but I’d break the rules to establish order and security at the start, to get the word out that ‘’the rule of law’’ is not for free.”

Similarly, the NATO troops that form the backbone of the United Nations peacekeeping force here were too cautious about breaking down the artificial barrier created by the Serbs in the northern Kosovo town of Mitrovica, Mr. McNamara said.

Northern Mitrovica is now inhabited largely by Serbs, marking the formal partition of Kosovo that extends up to the province’s border with the rest of Serbia. The Kosovo ethnic Serb government President Slobodan Milosevic exercises significant control, infuriating Kosovo’s Albanian majority.

‘‘Having allowed Mitrovica to slip away in the first days and weeks, it’s very hard to regain it now,’’ Mr. McNamara said. ‘‘Why wasn’t there strong action to take control of Mitrovica from the outset? We’re living with the consequences of that now.’’

In the last two months, as attacks on Serbs have increased again in Kosovo, Serbia is now sending troops to Mitrovica have attacked United Nations aid workers, equipment of offices, causing Mr. McNamara to pull aid workers temporarily out of the town. After promises by Mr. Milosevic to implement the two northern Mitrovica Serbs, Oliver Ivanovic, those workers returned.
Another significant problem has been the lack of a “unified command” of the peacekeeping troops, Mr. McNamara said. Their overall commander, currently a Spanish general, is not the troops of constituent countries. Washington controls the American troops, Paris the French ones and so on.

And there are no common rules of engagement or behavior in the various countries’ military sectors of Kosovo.

“The disparities in the sectors are real,” Mr. McNamara said. And after American troops were stoned as they tried to aid French troops in Mitrovica last spring, the Pentagon ordered the American commander here not to send his troops out of the American sector of Kosovo.

While the Pentagon denies a blanket ban, officers in the Kosovo peacekeeping operation (KFOR) told the New York Times last summer that if he decided to send his troops out of the American sector of Kosovo, they would be shot.

Mr. McNamara said, “and the U.N. should be quire requirements and commitments from govern- responsibility, he said. The United Nations must bear the main responsibility,” he said, “Governments decide what the United Na- organization and financing, Mr. McNamara said. And after American

And yet, he said, “I have not succeeded in their troops in the kind of significant con- to break down the ethnic barriers of Mitrovica.

The United Nations has had difficulties of organization and financing, Mr. McNamara readily acknowledges. “But governments con- to stop organized crime or confront, in a se-

Governments want to dump problems like Kosovo onto the United Nations to avoid re- sponsibilities. The United Nations should develop “a serious checklist” of re- quirements and commitments from govern- ments before it agrees to other Kosovo, Mr. McNamara said, “and the U.N. should be able to say no.”

U.N. CHIEF IN KOSOVO TAKES STOCK OF TOUGH YEAR

(By Steven Erlanger)

Bernard Kouchner, the emotional chief of the United Nations administration in Kosovo, has made it through a tumultuous year.

Last November, when the province’s water and power were almost nonexistent, the West was not providing the money or personnel it promised and the cold was as profound and bitter as the ethnic hatred, Mr. Kouchner was in a depression so deep that his staff thought he might quit.

He spoke darkly then of “how hard it is to change the human soul,” of the quick fatigue of Western leaders, who had to prosecute the war against the Serbs, with Serbia over Kosovo and had no interest in hearing about its problematic aftermath, of the impenetrability of the local Serbs and Albanians, with their tribal, feudal passions.

“I’ve never heard an Albanian joke,” he said sadly, looking around his dreary office, the former seat of the Serbian power here. “Do they have a sense of humor?”

Now, in a blistering summer, Mr. Kouchner’s mood has improved. A French physician with a reputation as Doctors Without Bor- ders because he became fed up with inter- national bureaucracy, he is not an inter- national bureaucrat, sometimes uneasy in his skin. He still goes up and down with the vagaries of this broken province, with its ramshackle infrastructure, chaotic traffic and lack of real law or justice. And without question, he admits, some of those problems can be laid at his door.

“Of course I’m not the perfect model of a bureaucrat and an administrator,” he said. “But I can be.” And in the main thing — stopping the oppression of Kosovo’s Albanians by Belgrade, bringing them home and letting them restart their lives in freedom. And I have not said ‘no’ to human terms” with a traumatized popula- tion. “They still hate one another deeply.”

He paused, and added: “Here I discovered hatred deeper than anywhere in the world, more than in Cambodia or Vietnam or Boe- nia. Usually someone, a doctor or a jour- nalist, who is there on the one side, and I’m on the other side.” But here, no, they had no real relationship with the other community.”

The hatred, he suggested, can be daunting and hard to deal with to his colleagues in Belgrade as well.” “Sometimes we got tired and ex- hausted, and we didn’t want a reward, not like that, but just a little smile,” he said wanly. “I’m looking for moments of real happiness, but you know just now I’m a bit dry.” But he is proud that everyone has per- sisted nonetheless.

As for him, he said, “my only real suc- cess is to set up this administration,” per- suading Albanian and some Serbian leaders to cooperate with each other and begin to share some executive responsibility.

When the head of the local Serbian Ortho- dox Church, Bishop Kyr Artemij, and the leaders of perhaps half of Kosovo’s Serbs de- cided to join as observers, “we were very happy then,” he said. “We were jumping in the air. We believed then that we were reach- ing the political point.”

But even those Serbs left the executive council set up by Mr. Kouchner, only to re- turn after securing written promises for bet- ter representation for the Albanians.

Bishop Kosovar’s Chief aide, the Rev. Sava Janjic, said carefully: “Kouchner has not been serious in his promises, and the efforts to demilitarize the Kosovo Liberation Army were not sincere,” and this written document is important on its own.”

A senior Albanian politician said Mr. Kouchner was “the wrong man for the job,” which he said required more forcefulness and less empathy. “After a year, you still can’t talk of the rule of law,” Still, the politician said, “Kouchner’s instincts are good—he knew he had to co-opt the Albanians, that the U.N. couldn’t run the place alone.”

Less successful, most officials and analysts interviewed here said, is Mr. Kouchner’s sometimes flighty, sometimes secretive management of the clumsy international bu- reaucratism. The Force Commander, General Kofi Annan sent him here to run the United Nations administration in Kosovo.

Alongside the bureaucrats are the 4,000 troops of the NATO-led Kosovo Force, known as KFOR, responsible to their home govern- ments, not to Mr. Kouchner or even to the force’s commander. And while Mr. Kouchner was able to persuade the former commander, Gen. Klaus Reinhardt of Germany, to do more to help the civilian side, they were both less successful with Washington, Paris, Bonn, Rome and London.

The affliction known here as “Bosnian dis- ease”—with well-armed troops unwilling to take risks that might cause them harm—has spilled over into Mr. Kouchner’s administration and even some senior officers of the United Nations force.

Consequently, some serious problems—like the division of the northern town of Mitrovica into Serbian and Albanian halves that also marks the informal partition of Kosovo—do not end with simply “managed,” no matter how much they embolden Belgrade or undermine the confidence of Kosovo Albanians in the good intentions of the international community, which is the only thing that brought them here. Mr. Kouchner chose to spend his New Year’s Eve, making a hopeful toast, so far in vain, to reconcile with the two communities. Nor will the peacekeeping troops do much to stop organized crime or confront, in a se-

rious fashion, organized, Albanian efforts to drive the remaining Serbs out of Kosovo and prevent the return of those who fled, the offi- cials say.

But in the recovery last month of some 76 tons of arms, hidden away by the former Kosovo Liberation Army and not handed over as promised to the peacekeepers, took no one here by surprise.

“It was a success,” Mr. Kouchner said, “not a surprise.”

In fact, senior United Nations and NATO ofﬁcials say, the existence of the arms cache was known and the timing of the discovery was a message to the former insurgents who had recently used some of the weapons, to stop their organized attacks on Serbs and mod- erate Albanian politicians.

But few here expect arrest of former rebel commanders who are widely suspected of involvement in corruption or political vio- lence. The reaction may be volatile, officials say: troops could be attacked and the shaky political cooperation with the Albanians un- dermined.

Is the United Nations peacekeeping force too timid? Mr. Kouchner paused and shrugged. “Of course,” he ﬁnally said. “But what can we do? Everything in the inter- national community was in a mess.”

Foreign policemen are also too timid and take too long with investigations that never result in convictions. But at least now, more than 3,100 of the 4,800 international police officers he has been promised—even if not the 6,000 he wanted— and a Kosovo police academy is turning out graduates.

One of Mr. Kouchner’s biggest regrets is the slow arrival of the police, which bred a culture of impunity. More than 500 murders have taken place in the year since the United Nations force took complete control of the province, and no one has yet been con- victed.

There are still only four international judges and prosecutors in a province where violence, intimidation and intimidation mean, neither Serbs nor Albanians can administer fair jus- tice.

What depresses him most, Mr. Kouchner says, is the persistence of ethnic violence even against the innocent and the care- givers. One of his worst moments came last week, he said, when an Italian policeman who cared for women of all ethnic groups was murdered by Albanians in Gnjilane, in the sector of Kosovo patrolled by American units of the United Nations. At least 600 murders have taken place in the year since the United Nations force took complete control of the province, and no one has yet been con- victed.

“He was a doctor!” Mr. Kouchner ex- claimed, still appalled. “It was the reverse of everything we did with Doctors Without Bor- ders.”

While Mr. Kouchner says he has put him- self alongside “the new victims,” the minor- ity Serbs, he carries with him his visit to the mass graves of slain Albanians.

“I’m angry that world opinion has changed so quickly,” he said. “They were aware be- fore of the beatings and the killings of Alba- nians, but now they say, ‘There is ethnic cleansing of the Serbs.’ But it is not the same.”

He doesavor the international military intervention on moral and humane grounds.

“I don’t know if we will succeed in Kosovo,” he said. “But already we’ve won. We stopped the oppression of the Albanians of Kosovo.”

Mr. Kouchner paused, lost in thought and memory. “It was my dream,” he said softly. “I was a child of refugees, my grandparents died,” he said, opening a normally closed door. “If only the international community was brave enough to help us, to help us, to help us.”

But all the opportunities were missed.

And yet, he said, is why he became involved, early on, in BiHra, the region whose seces- sion touched off the Nigerian civil war of
11. Believing that the people of Serbia share the right of all people to enjoy life under democratic institutions;

12. Viewing democratic development through the prism of essential and inalienable human rights and the rule of law, as a crucial component of strong and stable democracies, and following with great concern the reports released by the European Commission on Human Rights and the European Court of Human Rights, regarding Bosnia and Herzegovina and Kosovo;

13. Noting that the regime of Slobodan Milosevic has been engaged in a planned ef- fort both to repress independent media, and to crush political opposition, in Serbia, through the use of unwarranted fines, arrests, detentions, seizures, blackouts, jamming, and possibly assassination attempts, and that it has also employed student and other independent movements;

14. Recognizing the importance of the Stabi- lity Pact for the prosperity, peace and stability of southeastern Europe;

15. Supporting OSCE Missions throughout the region in their efforts to ensure peace, security and the construction of civil society; and

16. Recalling the legally binding obligation of States to cooperate fully with the Inter- national Criminal Tribunal for the Former Yugoslavia, contained in UN Security Coun- cil Resolution 827 or 25 May 1993, including the apprehension of indicted persons present on their territory and the surrender of such person to the Tribunal;

17. Insists that all parties in the region make the utmost effort to ensure the safe re- turn and reintegration of persons and refugees, regardless of ethnicity, re- ligious belief or political orientation, and to work towards reconciliation between all sec- tions of society;

18. Encourages members of all ethnic groups in southeastern Europe, especially in Kosovo, Bosnia and Herzegovina, to respect human rights and the rule of law;

19. Reiterates its call upon all authorities in the region to respect the rule of law and to ensure the right of all persons to equal treatment before the law; and

20. Encourages the newly elected leadership to carry forward their efforts to re- form and modernize their country in a manner that reflects a commitment to human rights, the rule of law, democracy and a market-based economy.

21. Condemns the repressive measures taken by the regime of Slobodan Milosevic to suppress free media, to stop student and other independent movements, and to in- timidate political opposition in Serbia, all in blatant violation of OSCE norms;

22. Urges the regime of Slobodan Milosevic to immediately cease violating the freedom of speech and to allow free and fair elections to be held at all levels of government throughout Ser- bia and monitored by the international community;

23. Calls upon Slobodan Milosevic to re- spect human rights and other international norms of behaviour in Montenegro;

24. Calls upon the international commu- nity to fully implement the Stability Pact, under OSCE auspices, in an effort to inte- grate the nations of South-Eastern Europe into the broader European community, and to strengthen those countries in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole re- gion;

25. Encourages all representatives of the international community operating in sou- therneastern Europe, including the OSCE, the United Nations, the North Atlantic Treaty Organization and other non-governmental organizations to actively promote respect for human rights and the rule of law;

26. Urges participating States to provide sufficient numbers of civilian police to those international policing efforts deployed in conjuction with peacekeeping efforts in post-conflict situations such as Kosovo;

27. Expresses concern at the international community's failure to target assistance programmes to help those persons returning to their original homes having the personal security and eco- nomic opportunity to remain;

28. Calls upon the participating States to organize, including through the OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) programmes that can assist and promote democratic change in Serbia, and protect it in Montenegro; and

29. Reaffirms its commitment to an ef- fort to provide persons indicted by the Inter- national Criminal Tribunal for the Former Yugoslavia, and its support for sanctioning the State which provides such persons with any form of protection from arrest.

The PRESIDING OFFICER. The Sen- ator from Iowa.

TENTH ANNIVERSARY OF AMERI- CANS WITH DISABILITIES ACT

Mr. HARKIN. Mr. President, I ask the indulgence of the Senate to do something that I did 10 years ago; that is, to recognize the 10th anniversary of the Americans with Disabilities Act by doing what I did on the floor 10 years ago. I will do a little bit of sign lan- guage with respect to that.

(Signing.)

Mr. President, what I just said in sign language was that 10 years ago I stood on the floor of the Senate and spoke in sign language when we passed the Americans with Disabilities Act. The reason I did that was because my brother Frank was my inspiration for all of my work here in Congress on disabil- ity law.

That was the reason that I became the chief sponsor of the Americans with Disabilities Act. I further said that I was sorry to say that my brother passed away last month. Over the last 10 years, he always said that he was sorry the ADA was not there for him when he was growing up, but that he was happy that it was here now for young people so they would have a bet- ter future. Mr. President, we do cele- brate today the tenth anniversary of the Americans With Disabilities Act, which has taken its place as one of the greatest civil rights laws in our his- tory.

When you think about it, ten years ago, on July 25, 1990, a person with a disability saw an ad in the paper for a job for which that person was qualified, and went down to the business to inter- view for the job. The prospective em- ployer could look at that person and say: we don’t hire people like you, get out of here. On July 25, 1990, that per- son was alone. The courthouse door was closed. There was no recourse for that person because of some ban on discrimination because of disability. We banned it on the basis of race, sex, religion, national origin, but not dis- ability. So on July 25, 1990, a person
with a disability held the short end of the stick.

But one day later, on July 26, 1990, the courthouse doors were opened. A person with a disability could now go down to that courthouse and enforce his or her rights. On July 26th, that one person who was alone then became 54 million people, and now that short end of the stick became a powerful club by which a disabled American could defend his or her rights.

Ten years ago, we as a Nation committed ourselves to the principle that a disability does not eliminate a person’s right to participate in the cultural, economic, educational, political and social mainstream. Ten years ago, we said no to exclusion, no to dependence, no to segregation. We said yes to inclusion, yes to independence, and yes to integration in our society to people with disabilities. That is what the ADA is all about.

For me, the ADA, as I have just said, was a lot about my brother Frank. He lost his hearing at an early age. Then he was taken from his home, his family, and his community and sent across the State to the Iowa State school for the deaf, a school operated as the State school for the “deaf and dumb.” I remember one time my brother telling me, “I may be deaf, but I am not dumb.”

While at school, Frank was told he could be one of three things: a cobbler, a printers assistant, or a baker. When he said he didn’t want to be any one of those things. They said, OK, you are a baker. So after he got out of school, he became a baker. But that is not what he wanted to do. So he went on to do other things, obviously.

Everyday tasks were always hard. I remember, as a young boy, going with my older brother Frank to a store and how the sales person, when she found out that he was deaf, looked through him like he was invisible and turned to me to ask me what he wanted; or how when he wanted to get a driver’s license, he was told that “deaf people don’t drive.” So his life was not easy because the deck was stacked against him. He truly held the short end of the stick.

I remember when my brother finally changed jobs. He got out of baking and got a job at a plant in Des Moines. He had a good job at Delavan’s, Mr. Delavan decided he wanted to hire people with disabilities, and so my brother went to work there. He had a great job. He became a drill press operator making jet nozzles for jet engines. He was very proud of his work. Later on, I was in the Navy, in the military. I remember when I came home on leave for Christmas, and I was unmarried at the time. I came home to spend it with my brother Frank, who was also unmarried, and the company he worked for had a party. So I went to spend the night with my brother to it, not knowing that anything special was going to happen.

It turned out that they were honoring Frank that night, because in 10 years of working there he had not missed one day of work and hadn’t been late once. Mr. President, that is during Iowa winters. So, again, that is an indication of just how hard-working and dedicated people with disabilities are when they get good jobs. At that plant for 23 years, and in 23 years he missed 3 days of work. And that was because of an unusual blizzard.

Another little funny aside. In ADA, we mandated a nationwide relay system for the deaf. A deaf person could call a hearing person, and a hearing person could call a deaf person without having to use the TTY. One of the first calls made on the nationwide relay system was from the White House in 1993, when President Clinton put in a call to my brother Frank. We had it all set up. President Clinton called the number, and the line was busy. All the national press was there and everything. He waited a few seconds and the line went through. And he called three or four times. Finally, I called my neighbor in Cumming, Iowa, and I said, “Go over and find out what is going on.” My brother was so excited that he had been on the phone talking to his friends. He forgot that the President was going to call him. President Clinton related that story at the FDR memorial this morning in celebration of the Americans With Disabilities Act and reminded me again of what the ADA was all about. As President Clinton so often points out, it is about ensuring that every American can just do ordinary things, such as use the phone, go shopping, use public transportation. It is also about ensuring that every American has access to resources as fundamental as health insurance, a job, an education—things that we take for granted.

The ADA is about designing our policies and physical environment so that we as a Nation can benefit from the talent of every citizen. It is about acknowledging that it costs much more to squander the potential of millions of people than to make the modest accommodations that let all Americans contribute fully. It is about tearing down the false dichotomy of abled and disabled, and realizing that each of us has a unique set of abilities.

Mr. President, a few weeks ago, in anticipation of this tenth anniversary celebration of ADA, I announced “A Day in the Life of the Americans With Disabilities Act” Campaign

A man from St. Paul, Minnesota who is visionally-impaired wrote to say that because of accommodations required by the ADA, he can use city buses with dignity, hear the audible traffic signals, and work. He said that the ADA also enables him to enjoy cultural activities, because he can listen to narrations of plays through earphones and basketball games through special radio receivers. In his words:

[The ADA] has made my life 1000 times better than my father’s who was also totally blind.

And, a woman from Corpus Christi, Texas whose daughter is hearing impaired told me that her daughter is able to join her schoolmates in classes and activities because of relay services and interpreters. The mother also told me that because of the ADA-required relay services, her daughter was able to speak with her father for the first time.

When my daughter was just 4 years old, she got to call her real father for the first time. I wish you could have seen the sparkle in her eye, and the tears in my mistake ‘called’ with her daddy. It took forever (she couldn’t type) but the relay service was friendly and patient. I believe that Relay has played a big part in keeping their relationship strong. Every little girl needs her daddy.

Mr. President, I have a whole stack of these stories. I will not ask permission for all, but I ask unanimous consent to have some of the more poignant stories that I received from around the country be printed in the RECORD. They are very short.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUCCESS STORIES FROM U.S. SENATOR TOM HARKIN’S “A DAY IN THE LIFE OF THE AMERICANS WITH DISABILITIES ACT” CAMPAIGN

NEW YORK

Summary: According to a man in New York with cerebral palsy, the ADA-required ramps, elevators, automatic doors, curb cuts, and accessible transportation have allowed him to be more independent in his life. Thanks to the ADA, he is now able to do his own banking, go to the post office or shop by himself, and enjoy a meal at a restaurant. Reasonable accommodation requirements have allowed him to work as an advocate for people with disabilities and earn money to contribute to his household expenses. In his words, the ADA has allowed him to “show my community that I am willing and able to be like anyone else in ways like getting a job and living on my own.”

Quotation: [Prior to the ADA,] I felt that I was not a real human being because people with disabilities . . . were not supposed to be seen or heard . . . [The ADA] opened the door to freedom for people with all types of disabilities . . . The ADA is a step toward reaching equal ground for EVERYONE! . . . Doing things on my own makes me feel like I am a PERSON and gives me a lot of confidence in myself.”
Summary: A man from Tennessee has been quadriplegic since an automobile accident in 1990, the very year that the ADA was signed. According to him, the ADA has helped him to pursue his academic, as well as employment, dreams. The ADA helped him to earn an undergraduate degree and was even the subject of his master’s thesis at an out-of-state university at a Tennessee state university.

Quotation: [With the passage of the ADA], my physical impairments that had recently been a burden would now become but a blanket. A blanket provided by my country . . . My disability and the ADA were born together and this year we celebrate 10 years of success, for the both of us.

MARYLAND

Summary: A woman from Maryland is the mother of three autistic children—all of whom have benefited from the ADA. Because of the ADA, she looks forward to her children graduating from school and working in the community when they grow up.

Quotations: Ten years ago before the ADA my boys would have been tucked away with heart ache as they walked with their heads hung down in shame. They would feel the pain of having a disorder that would make them different from their children at school. I am not sure what their future holds in store. I know that the supports are in place.

SACRAMENTO, CALIFORNIA

Summary: A man with muscular dystrophy from Sacramento, California, cannot imagine what his life would be like without the ADA and celebrates July 26 as the “Other Independence Day.” He credits the ADA with making his life “full and independent” by requiring stores, restaurants, parks, and theaters to be accessible to all people.

Quotation: The ADA embodies what people with disabilities really want, to be viewed as people first, not judged or excluded because of cause of the ADA, she is able to get a quality college education. This might seem like a small victory for many Americans take for granted. Because of the ADA, she has greater options, self-respect, and better public awareness because of the ADA.

Summary: A man from Tennessee has been quadriplegic all his life thanks the ADA for allowing him “to become as independent as others.” He now has access to a variety of school, shopping malls, and sports and entertainment events. Because of the ADA, he has job opportunities that he never could have dreamed of growing up.

Quotation: “When I was growing up I had to go to certain schools and shopping malls that were not accessible. Entertainment was something you dreamed about, but was never able to participate in . . .” But now things are different due to the ADA. “[The ADA] has made us able to say, “Don’t look at my disability, but look at my ability.”

ARKADELPHIA, ARKANSAS

Summary: A sight-impaired student in Arkansas, Arkansas, credits the ADA for making her first year at a state university a “beautiful experience and resounding success.” Because the ADA requires colleges to ensure equal access to educational information, she is able to get a quality college education.

Quotation: [The ADA] has really helped that college people that are presented on our campus to get as good an education as possible and also to make their college career a beautiful experience and a resounding success.

SOUTH AMBOY, NEW JERSEY

Summary: A woman from South Amboy, New Jersey who has mental, behavioral, and learning disabilities says that the ADA has made her feel included in the community and life. Through her local independent living center, a psycho-social rehabilitation program, an anger management workshop, and other support and advocacy groups, she was able to accept her disabilities and “welcome them as a dimension to [her life].”
Quotation: Most importantly, I strongly believe that the ADA is breaking both physical and attitudinal barriers in the community and society so citizens with all disabilities are entitled to full, productive, and independent lives.

Mr. HARKIN. Mr. President, the ADA, of course, ultimately is about our children. They will be the first generation to grow up with the ADA—the first generation in which children with and without disabilities play together on the playground, learn together in school, hang out together at the mall and the movie theater, and go out together for pizza. These children who will grow up as classmates and friends and neighbors will now see each other as neighbors and coworkers—no longer segregated. That is what the ADA is about. It has opened up new worlds for people with disabilities—where people with disabilities are participating more and more in their communities, living fuller lives as students, as coworkers, as taxpayers, as consumers, voters, and neighbors.

But we must never forget that prohibiting discrimination is not the same as ensuring equal opportunity. President Clinton is right. I read this the other day. I read it in the New York Times. He said: ‘[Y]ou cannot shackle men and women for centuries, then bring them to the starting line of a race and say, ‘You see, we’re giving you an equal chance.’”

That is why we all work so hard for the Ticket to Work and Work Incentives Improvement Act because we had to set the stage to change the employment rate for people with disabilities. That is why we all work so hard to defend the Individuals with Disabilities Education Act, because there is no equal opportunity without education.

I am proud that this morning President Clinton announced a new effort by the Federal Government to open up an additional 100,000 jobs in the Federal Government for people with disabilities. That is leadership. I thank President Clinton for providing that leadership.

Again, that is why we have to fight against genetic discrimination. That is why we have to add people with disabilities to the Hate Crimes Act that passed the Senate, and to make sure it becomes law.

That is why we have to fight to make sure we don’t lose in the Supreme Court a case we won in Congress. There is a case now pending before the Supreme Court in which a State has argued that title II of the ADA which applies to State governments should be held unconstitutional because the Federal Government does not have the power to enforce the ADA against the States in the way other civil rights laws are.

The Civil Rights Act of 1964, which prohibits discrimination on the basis of race, applies to all the States and State governments. Now a State is arguing that the ADA, a civil rights law for people with disabilities, should not apply to States. They are saying: Don’t worry. The State says: Leave it to us. We will make sure that people aren’t subject to employment discrimination. We will make sure that people aren’t forced to live inside institutions or carried up the steps in order to get into the local courthouse.

Some of us remember after the 1964 civil rights bill was passed that States were arguing the same thing: Leave it to the States; they will take care of civil rights; we don’t need the Federal Government coming in. What we are forgetting is that this is a civil rights law that covers the citizens of America. We are all in this together. We are talking about citizens—Federal, national—constitutional rights to equal protection under the law. It is up to this Federal Congress to ensure that citizens with disabilities get that equal treatment. That is why we have title II of the ADA.

In sign language, there is a wonderful sign for America. It is this: This is the sign for America, all of the fingers put together, joining the hands in a circle. That describes America for all. We are all together, We are not separated out. We are all within one circle; a family, a community. We are all one. It is not one State and another State when it comes to civil rights and ensuring equal protection of the law. We will not let the Supreme Court rewrite history and erase civil rights—the national civil rights for people with disabilities.

Finally, we have to close the digital divide to make sure that people with disabilities have full access to the new technologies.

Last night, Vice President Gore held a reception at the Vice President’s house for literally hundreds and hundreds of people with disabilities from all over America. It was a great event to celebrate the 10th anniversary. In that, there was the opportunity of new technologies to assist people with disabilities. I was particularly taken with one new device that had a cathode ray tube, CRT. It was hooked up to a PC. There was a little device under the net, a CRT that looked up at your eyes. You sat there for a second and it calibrated it. With your eye movement alone, you could turn on lights, turn off lights, make phone calls, talk to people, type letters, get on the Internet, really moving your eyes.

Think about what that means for people who have Lou Gehrig’s disease or severe cerebral palsy. There are a lot of disabled people who can’t do anything but move their eyes. But their mind is perfect.

One perfect example that Vice President Gore always uses is Stephen Hawking, perhaps the smartest individual in the world, who is fully immobile because of his disability. Yet here is a machine that will allow him to more rapidly move information and to write his wonderful books about the universe. That is what I mean when I say we ought to close the digital divide because there is so much out there that can help people with disabilities.

Lastly, I say that the next step we have to do is fight and win against the continued segregation of people with disabilities from their own communities. That is why we move forward on the bill called MCASSA. S. 1935, a bill that is pending in the Senate right now—the Medicaid Community Attendant Services and Supports Act—a bipartisan bill that will eliminate institutional bias in the Federal Medicaid program for people with disabilities and the elderly a real choice to live in their communities. Right now, Medicaid is biased toward institutionalization.

Why shouldn’t we give a person with a disability the right to decide where he or she wants to live and how they want to live? Let them live in their own home, in their own community settings. That is what S. 1935 is about.

The disability community all over this country understands that individuals and residents are sorely needed. No individual should be forced into an institution just to receive reimbursement for services that can be effectively and efficiently delivered in the home of the individual. Individuals must be empowered to exercise real choice in selecting long-term services and supports that meet their unique needs and allow them to be independent. Federal and State Medicaid policies should be responsive to and not impede an individual’s choice in selecting services and supports.

This bill eliminates the bias toward institutional care. It would help deliver services and supports consistent with the principle that people with disabilities have the right to live in the most integrated setting appropriate to meet that individual’s unique needs.

In last year’s Olmstead decision, the Supreme Court found that to the extent that Medicaid needed to pay for a person’s long-term care, that person has a civil right to receive those services in the most integrative settings. Therefore, we in Congress have a responsibility to help States meet the financial costs associated with serving people with disabilities who want to leave institutions and live in the community. MCASSA, as the bill is known, S. 1935, will provide that help.

A lot of people say this will cost money. Actually, it will save money. Medicaid spending on long-term care in 1997 totaled $56 billion, but only $13.5 billion was spent on home and community-based services. That $13.5 billion paid for the care of almost 2 million people.

In contrast, the $42.5 billion we spent on institutional care paid for just a little over 1 million people.

The average annual cost of institutional care for people with disabilities is more than double the average annual cost of providing home and community-based services. Right now, all across the country, hundreds of thousands of people are providing unpaid
support to sons and daughters, mothers, fathers, sisters and brothers, to allow them to remain in the community. Yet when they turn to the current long-term care system for relief, all too often all they can do is add their name to a very long waiting list. That is too long. That is not fair. These family caregivers are sacrificing their own employment opportunities and costing the country millions in taxable income.

Lastly, I think a moment to remark on the bills. Lately that is all we are hearing about is how much surplus we will have over the next 10 years. I hear now it is up to $2 trillion and counting. We have some very important decisions to make about what we do with the surplus. Everyone is lining up—tax breaks here, tax cuts here, tax breaks here, for business, for corporations, for this group, for that group—all lining up to get some of that surplus.

I believe we have to make some important decisions on how to use that money to pay down the debt, shore up Social Security, make sure that our seniors get what they need under Medicare. With all these groups lining up to get a piece of the action on the surplus, I am asking: What about the disability community? What about the Americans all over our country who want to live in their own communities, who want supportive services in their homes, who want personal assistance when they can go to work every day? I believe we should use some of that surplus to make sure that all Americans have the equal right to live in the community—not just in spirit, but in reality.

As I said, our present Medicaid policy has an institutional bias. We need to use some of this surplus to get people in their own homes and communities. There may be some transitional cost, but we know later on when these people stop going to work, when their families and the family care givers who are at home now and underemployed, are employed, when they go to work they are working, making money, paying taxes.

Yes, when we are talking about what we are going to do with that surplus, let's not forget we have millions of Americans far too long segregated, far too long kept out of the main stream of society, far too long denied their rights as American citizens to full integration in our society. It is time we do the right thing. It is time when we make decisions about the surplus, we use some of that to make sure that people with disabilities are able to live and work and travel as they want.

ADA may stand for the Americans with Disabilities Act, but it stands for more than that. It really stands for the American dream for all.

In closing, as I said earlier, my brother, Frank, passed away last month on my birthday and I will miss him forever. He was a wonderful brother to me. He was a great friend. He was my great inspiration. He was proud of what the ADA meant for people with disabilities. For 10 years he and millions of people across our country lived out its possibilities. So I thank my brother, Frank. I thank everyone else in the entire disability community who was an inspiration for me, who worked so hard for the Americans with Disabilities Act.

I include in that many of my fellow Senators and Representatives. This was never a partisan bill. It is not now a partisan bill. It will never be a partisan bill. Too many good people on both sides of the aisle worked hard. Senator Weicker, who led the charge early on, before I even got to the Senate; Senator Dole, who worked so hard, so long, to make sure we got ADA through; Boyden Gray, Counsel to the President who worked with us every step of the way; Attorney General Dick Thornburgh, what a giant he was, hung in there, day after day, working to make sure we got it through. On our side of the aisle, Senator Knoll and, who made sure we had all the hearings, got the people there, made the record, to ensure that ADA was on solid ground; Tony Coelho from the House of Representatives, and Representative Steny Hoyer in the House; Congressman Steve Bartlett, another great giant, Republican leader in the House at that time, later on became mayor of Dallas. He was there this morning, too.

At that time, there weren't Democrats and there weren't Republicans. We were all in that boat together, and we were all pulling together. We were, as I said earlier, Mr. President—the deaf sign for Americans is this (signing)—all of us together, fingers intertwined, all of us in that same family circle. That is what ADA is about. It is about this deaf sign. We are all in this together.

We want to make sure the ADA really does stand for the American dream for all.

I yield the floor.

The PRESIDING OFFICER (Mr. Brownback). Under the previous order, Senator DeWine is recognized.

Mr. GORTON. Mr. President, I believe the Senator from Ohio will yield to me, and I ask unanimous consent to be recognized for a few remarks in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. GORTON. Mr. President, all last week I deferred coming to the floor to speak about my friend, Paul Coverdell, on the ground that it might be easier to do so this week. It is not. It is not, but it is vitally important to memorize such a friend.

Every Monday evening or Tuesday morning, Paul Coverdell and I sat at that table. Too many good people on leadership meetings in the majority leader's office, with an opportunity to comment on all of the issues that came before that group. Frequently, however, at the end of the table, we would exchange whispered remarks on some of the other people or subject matter, either present or not present. Paul Coverdell had a wonderful sense of humor, there and elsewhere: Dry, witty, to the point. It was a delightful pleasure to share those moments, sometimes stressful, sometimes marvelously relaxed, with such a man.

If you sought advice on a matter of vitally important public policy, Paul Coverdell was one of the people you would seek out. You knew that anything he would discuss with you would be filled with wisdom and common sense, and that stacking your remarks against his would focus and sharpen your own thoughts and your own ideas. It hardly mattered what the subject was—education, taxes, national security, a dozen others; the advice was always good and always relevant.

If you then sought tactics or advice on how to approach a goal, Paul Coverdell was a man whom you sought out. Particularly if there were an individual in your own party, or in the other party, whom you might be reluctant, for one reason or another, to ask, you could ask Paul Coverdell to do it for you, and he would. There was no task, there was no detail that was too small for him, none that he thought was beneath him, if it was constructive, if it would help the cause. That is the honor to the innocent.

One way in which you can determine individuals' reactions to other individuals is in a group. At the Republican conference meeting immediately before the Fourth of July recess, Paul Coverdell, as the Secretary of the conference, presented us a little plastic note card, the top of which read "Republican Policy." I no longer remember the particular subject, but I do remember that first one or two people said, "I don't agree with point 3." Pretty soon everyone had commented. Finally, one of our colleagues wrote across the top of this, "One Republican's Policy," and handed it back to Paul Coverdell, who just went back to perfect his message. Whom you tease, you generally love. That in many respects was an expression of the love and respect his Republican colleagues had for Paul Coverdell.

Paul Coverdell made us all proud of our profession, a profession often criticized. In fact, a profession rarely praised. When a State sends a Paul Coverdell to the Senate, it is proof positive that our system works. And when the Senate of the United States listens to and respects and follows a Paul Coverdell, that, too, is proof that our system works. When, as was my privilege, you come to know and be befriended by a Paul Coverdell, you are especially privileged and especially honored. I was so privileged. I was so honored.

I will not know his like again.

The PRESIDING OFFICER. The Senator from Ohio.
Mr. DEWINE. Mr. President, I congratulate my colleague from Washington State on very eloquent comments about our dear friend, Paul Coverdell. I had the chance a few days ago to make some more extensive comments about that wonderful gentleman, Senator Coverdell. But I just want to add, I had the opportunity, as many Members of the Senate did, to travel to Atlanta this past weekend to participate in that very wonderful service for our dear friend. I don’t think it really hit me that he was really gone until I got back this week to Washington and started contemplating this Senate body without Paul Coverdell and all that he meant to each and every one of us. He was our friend. We loved him very much. This body, this institution, is a poorer place because he is gone.

Each one of us is richer because we were privileged to know this very gentle, this very kind, this very sweet, very good man.

HONORING VIRGINIA “GINNY” GANO

Mr. DEWINE. Mr. President, on a happy note, I rise this evening to honor someone who has spent the last 30 years of her life serving the people of this country, of this Congress, of the State of Ohio; specifically, of the Seventeenth Congressional District in Ohio.

I am talking about a dear friend of mine, Virginia “Ginny” Gano. I had the great pleasure and honor to work with her during my years as Congressman from the Seventeenth Congressional District in Ohio. Ginny is now in her 31st year of service to the people. She is truly an ambassador for the Seventeenth district and for the entire State of Ohio.

Ginny grew up in Springfield, OH. She started working for Congressman Bud Brown at a very young age in 1969. In 1991, she was elected to the House of Representatives. I asked Ginny if she would come work with me. I became the Congressman. Ginny agreed to stay on and work in our office. During that time, Ginny Gano was really invaluable to me and invaluable to our office and to the people of the district. She had and has an unbelievable wealth of knowledge and institutional memory. If you want something done, if you want to know something, you ask Ginny Gano. In 1991, she joined current Seventeenth District Congressman DAVID HOBSON’s team. This evening—I am sure at this very moment—knowing Ginny, she is still at work in the Longworth Building serving the people in the district. Ginny is one of the hardest working people whom I have ever met. With her resources, her experience, and her knowledge, she can answer any question or just about any request made of her. She never says no. She is that good. She gets the job done. She just knows how to get it done. Whatever you want, Ginny will figure out a way of getting it done.

One of the many things that Ginny has done over the years has been to work with interns in a Congressman’s office. She goes to great lengths to make sure these young people who come out from Ohio to serve the people and to learn have a meaningful experience in Washington. They come to Washington and they feel at home, that they have someone to look out for them.

Ginny has spent the last 30 years helping people in our district and has truly gotten to know the people of the Seventeenth District. I know that she cares about them. She is the one constant in the office of the Congresswoman from the Seventh Congressional District. Whether it was Bud Brown, MIKE DEWINE, or DAVE HOBSON, Ginny Gano has been there. Ginny Gano is making a difference.

One of the things I appreciate about Ginny so much is that she has a way about her that makes everyone feel at ease. Whether it is a group of schoolchildren from Greene County or maybe someone whom she bumps into in the Rotunda of the Capitol, a total stranger, it does not matter; Ginny is there to help them and she makes everyone feel welcome in our Nation’s Capitol. Ginny is a caring and compassionate human being. Being around Ginny Gano just makes you happy. She is that type of person. Her smile, her spirit, her energy—you just feel good when you are around Ginny Gano.

Ginny has dedicated some of her free time—the little free time she has—to something she loves: music. For years she has participated with a great deal of enthusiasm in the Capitol Hill Choral Society. She also has been a driving force behind the Ohio State society’s selection of the cherry blossom princess every spring.

My wife Fran and I are just so proud to call Ginny Gano a friend. I thank her for over 30 years of dedicated service to the people of the Seventh Congressional District of the State of Ohio. Ginny, thank you.

P.L. 480 ASSISTANCE IN HAITI

Mr. DEWINE. Mr. President, I want to talk this evening about an issue about which I have spoken before on the floor of the Senate, and that is the situation with the children in the poor country of Haiti. I rise tonight to readdress a very important feeding program that is crucial to these children. The program I am talking about, of course, is the Food Assistance Program which, according to the USAID mission in Port au Prince in Haiti, helps feed roughly 500,000 Haitian schoolchildren and almost 10,000 orphaned children through its Orphan Feeding Program.

As we know, funding for the P.L. 480 title II program was included in the Senate fiscal year 2001 Agriculture Appropriations bill, which we in the Senate recently passed. I commend and thank the chairman and ranking member on the subcommittee, Senator COCHRAN and Senator KOHL, and also the chairman and ranking member on the full committee, Senator STEVENS and Senator BYRD, for their continuing ongoing support of our P.L. 480.

I am very pleased the committee included language in the Agriculture appropriations bill that will maintain the same level of USAID resources for the Orphan Feeding Program in Haiti as were provided for our current year. I urge my colleagues in conference to continue this language and continue this program.

The reality is that the country of Haiti is a great human tragedy. The nation is in turmoil on a political, economic, and humanitarian level. Through the small island nation finally did hold its parliamentary elections in May after three previous postponements, and though voter turnout was certainly acceptable and the citizens were vot- er, it does not matter; Ginny is there to help them and she makes everyone feel welcome in our Nation’s Capitol. Ginny is a caring and compassionate human being. Being around Ginny Gano just makes you happy. She is that type of person. Her smile, her spirit, her energy—you just feel good when you are around Ginny Gano.

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In spite of widespread criticism, the international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions. In spite of widespread criticism, in spite of OAS refusal to recognize the contested election results, Haitian officials proceeded with the runoff elections on July 9, and, as expected, a handful of Haitians turned out to vote, just enough to meet the quorum. The international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions. In spite of widespread criticism, the international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions.

Regardless of the recent election outcome, Haiti can succeed as a democracy if and only if the leaders of the nation, the political elite, the ruling elite, the economic elite, resolve to do something that will ensure lasting development of Haiti without question. The international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions. In spite of widespread criticism, the international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions. In spite of widespread criticism, the international community has severely and justifiably criticized both rounds of elections, with the European Union threatening economic sanctions.

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Despite the success—I have seen it; and there has been success—of some
USAID programs to promote growth in Haiti’s agricultural sector; past deforestation and a lack of education about how best to use the land for both short-term and long-term economic gain have slowed, almost to a standstill, any improvement in the agricultural sector.

Because of that, I firmly believe that the United States should continue efforts aimed at teaching Haitian farmers viable ways to farm—agriculture that produces food for the Haitian people necessary to sustain the land and enable the country to produce a surplus to allow for the development of its future. Haiti must learn to produce its own food. It must be self-sufficient. It must stop relying on the survival of its people on “one day feeding programs.”

Efforts to work directly with farmers provide the greatest hope of preventing Haitians from abandoning agriculture for urban areas, such as Port-au-Prince. One of the biggest problems in Haiti is that so many people who are not able to provide for their families—people who have no other way in which to earn a living—continue to ensure that their families, understandably flee the countryside and go into one of Haiti’s big cities, only to face worse poverty and create a more dire situation for their families. The only possible solution is to help Haiti develop, with our assistance, with the assistance of the international community, a viable, sustainable agricultural program.

As I have said, I have visited Haiti eighteen to nineteen times. My wife and I have seen many of these programs and have seen that they do, in fact, work. But until sustainable improvements are made in the Haitian agricultural sector, I believe we have a responsibility—I believe we have an obligation—to ensure that humanitarian food and assistance continues to reach this tiny island nation and most particularly, most importantly, continues to reach these children.

This is why it is vital that we maintain current funding levels for the Public Law 480 title II assistance program for Haiti and other parts of the world as well. The simple fact is, this program is essential to the survival—literally the survival—of many thousands of Haitian children, especially those living in overcrowded orphanages.

There are currently 114 orphanages throughout Haiti receiving USAID funds and caring for a vast number of children. Quite candidly, these represent just a small fraction of the total number of orphanages on this island.

My wife Fran and I have traveled to Haiti repeatedly—eight times in the past 5 years. We visited many of these orphanages. We have seen the dire and dismal conditions. We have held the children and felt their malnourished bodies. But we have also seen what can happen with these children, and how so many dedicated people working in these orphanages can literally nurse these children back to life.

The orphanages of Haiti feed and take care of thousands upon thousands upon thousands of orphaned and abandoned children. The flow of desperate children into these orphanages is constant, and these facilities face the increasing challenge of accommodating these children.

It is these children who need our help the most. It is these children who are not capable of providing for themselves. That is why I am convinced that the Public Law 480 title II feeding program is absolutely essential. This low-cost program guarantees one meal per day to orphan children who otherwise would not receive any food at all. The school feeding program is also essential because the title II assistance program—the offer of a free meal to these children, and the parents who send their children to school—helps keep Haitian children in school.

I again thank the committee for its support for and its commitment to Public Law 480 title II assistance for these children in Haiti.

I urge my colleagues on the conference committee throughout this year, and into the next—to continue their support for this program.

COMMENDING AMBASSADOR TIM CARNEY

Mr. DeWINE. Mr. President, on another matter related to Haiti, I take this opportunity this evening to commend and thank my friend, Ambassador Tim Carney, for his 2-year service as U.S. Ambassador to Haiti. Tim and his wife Vicki proudly represented the United States. Day in and day out, they were committed to helping the people of Haiti overcome their dismal surroundings and their dire circumstances. Tim and Vicki worked to alleviate hunger and poverty throughout the island and encouraged practical economic reforms.

Through the support and cooperation of Ambassador Carney and Vicki, the USAID title II assistance program for Haiti continues to improve. Although the Carneys’ assignment in Haiti has concluded, their commitment continues today.

My wife Fran and I appreciate their friendship. We appreciate the support and help they have given to the children of Haiti. We look forward to continuing our work with them to help the children of Haiti.

TRIBUTE TO ERV NUTTER

Mr. DeWINE. Mr. President, I rise this evening to celebrate the life of a great man from my home State of Ohio, a true renaissance man. I am talking about Erv Nutter, who died on January 6 of this year at the age of 85.

I am honored to have known Erv and am humbled to have the chance this evening to say just a few words about what his friendship has meant to me and my family, to my community, and to my country.

Erv John Nutter was born in Hamilton, OH, on June 26, 1914, to parents he described as “a Kentucky schoolteacher and a Wyoming cowboy.” He was a running guard on the State championship Hamilton High School football team and later graduated from there. He attended Miami University in Oxford, OH, and then transferred to the University of Kentucky where, at the age of 21, he dropped out to take the Ohio examination for stationary engineers. Following that test, he became the youngest licensed engineer in Ohio, and then took a job at Proctor & Gamble in Cincinnati.

In 1943, Erv returned to the University of Kentucky to earn his degree in mechanical engineering. After graduation, he took a job in the engineering division of the Air Force at Wright-Patterson Air Force Base where he was put in charge of aircraft environmental testing.

Then in 1951, Erv Nutter founded the Elano Corporation, which fabricates metal parts for jet engines. He started the business in a 440-square-foot OH garage. Elano grew and grew, and it grew ultimately into a multimillion-dollar business that has influenced aviation worldwide, through precision forming and bending of tubular assemblies for fuel, and for hydraulic systems for jet aircraft and missiles.

I met Erv Nutter for the first time in 1973. I was right out of law school, on my first job, as an assistant county prosecutor in Greene County. I remember Sheriff Russell Bradley and then-county prosecutor Nick Carrera, and I were conducting a major drug investigation. It was going well. The only problem was, we had run out of money.

So we went to some people in the community. One of the first people we went to was Erv Nutter. To keep that investigation going, we simply had to have some financial assistance. So we asked Erv if he would help. Without any hesitation, as Erv would always do—he didn’t ask anything—he just said: Sure. If you boys think it’s a good idea, if you think we need to do it, I’ll do it.

When it came to his community, Erv was always ready to lend a hand, whether with his financial resources or his time and energy. That was just Erv Nutter.

Erv has been a role model for so many people throughout the years. Through his kindness and extreme generosity, he has taught invaluable lessons, such as the importance of giving back to our communities, the importance of building and trusting our neighbors, and the economic future of our villages and our cities.

Through the years, he donated millions of dollars to the University of Kentucky and Wright State University. Today, two buildings at the Lexington campus bear Erv’s name, as does Wright State University’s indoor athletic complex.

Erv Nutter was a blunt man. He was an open man. He was a man who would tell you what he thought, never afraid in any way to express his convictions or his strong beliefs.
That is one of the things that made Erv Nutter so endearing. It has been said that the greatness of a man can be measured by the extent and the breadth of his interests and how he acts on those interests to make a different. Surely by that test, Erv Nutter was a great man. He was so passionate about his interests, and what interests he had: agriculture, technology, wild game conservation, education, sports, history, aviation, or work for a better government, whatever Erv was interested in, he cared passionately about and he acted upon. And in each area, he made a difference. Sure, he helped financially but, more importantly, Erv gave his time and he gave his energy. He was a man of great passion.

In 1981, Erv Nutter was named Greene County Man of the Year. He served as business chairman of the American Cancer Society, chairman of the Fellow’s Committee at the University of Kentucky College of the President’s Club at both Ohio State and Wright State University, past president and trustee of the Aviation Hall of Fame—one of his great passions and his wonderful wife, Zoe Dell's great passions; the way Zoe Dell continues to this day—as former chairman of the Ohio Republican Finance Committee, and former chairman of the Beavercreek Zoning Commission.

In 1986, in the age of 60, Erv was inducted into the Ohio Seniors Citizens Hall of Fame, an honor for outstanding contributions and exceptional achievements begun or continued after the age of 60. Erv always was there for our community. Erv always was there for our State. In all that he did, he made a positive difference. Erv Nutter was a remarkable person, a person who affected countless lives for the better. His family knows that probably better than anyone else because there were so many. Erv Nutter did that he didn’t tell anybody about. He just was there to be supportive and to make a difference. He just quietly helped out whenever his community asked. And many times when his community didn’t ask, he did it anyway.

The only thing Erv wanted was to make the world a better place for his children, his grandchildren, and for all of us. Erv Nutter took great pleasure in sharing his personal success with the world. I was particularly struck by Erv’s humility. I remember that he once told the Xenia Daily Gazette he was the luckiest man in the world. He was lucky because he had had the opportunity to do so many things he had never, ever, in his wildest dreams, thought he would be able to do. He told the paper:

No one can achieve success by himself. I think this is one of the most important things for people to remember today.

Erv didn’t seek credit. Rather, he appreciated his successes and understood that his community was a great part of that success. We all admired Erv Nutter. We all respected him.

As Chesterton once said:

Great men take up great space, even when they are gone.

Erv Nutter will continue to take up great space on this Earth, not just in buildings but in lives touched and lives changed. Erv Nutter will continue to live on through what he has done. He also will live through his wonderful family: his wife Zoe Dell, Joe, Bob and Mary, Ken and Melinda, Katie and Jonathan.

We pay tribute to Erv tonight for what he has meant to our community.

ROCCO SCOTTI—A GREAT AMERICAN

Mr. DEWINE. Mr. President, I rise to recognize tonight Rocco Scotti, a talented and patriotic singer from my home State of Ohio, who is a fixture in Cleveland and Cuyahoga County, northeast Ohio, a fixture at Cleveland Indians baseball games and just about any public event in our community that matters.

Rocco, because of the countless times he has sung our national anthem at local, national, and international events, has truly earned the title of “Star-Spangled Banner Singer of the Millennium.”

Rocco, an Italian American whose family is from Italy’s east coast, grew up in Cleveland and started his vocal training in opera. He first performed the national anthem publicly in 1974 at an Indians-Orioles game.

Since that time, he has become a regularly featured national anthem singer for both American and National League baseball games, games played in Cincinnati, Cleveland, New York, for the Baltimore Orioles, Oakland A’s, Kansas City Royals, Toronto Blue Jays, LA Dodgers. The list goes on and on. Rocco has also had the honor of performing the national anthem for Presidents Gerald Ford and Ronald Reagan.

Rocco’s list of accomplishments doesn’t end there. He was awarded the United States civilian Purple Heart for inspiring patriotism for his exceptional performance of the national anthem, and he has performed the anthem on national television for events such as the NBC game of the week, an American League playoff game, the 1981 All-Star game, and countless other televised sporting events. Dubbed by People’s magazine as one of the best anthem singers in America, he is the first singer to perform the national anthem for the Baseball Hall of Fame in Cooperstown, NY. He is a featured singer for the Indians, Cleveland Cavaliers, and Cleveland Browns, and he is the permanent singer of the anthem for the Football Hall of Fame ceremonies in Canton, OH.

While Rocco is most known for his renditions of the national anthem, he is also a featured singer for other nations’ anthems. He has sung the Polish national anthem for Polish boxing team matches, the Hungarian national anthem for Hungarian basketball games, the Italian national anthem for Italian soccer team contests, and the Israeli national anthem for the appearance of the Assistant Prime Minister of Israel in Cleveland.

To say, Rocco Scotti is an American icon. His voice, indeed, is a national treasure. What impresses me most about Rocco isn’t so much his beautiful voice, although it is beautiful, but his amazing attitude about his heritage, his life here in this great country. Rocco said the following to me once:

I am very, very proud that with my Italian heritage, God has given me the honor of performing our country’s greatest and most meaningful song.

For that kind of patriotism, love of country, I wish to say thank you to Rocco. I am proud to call him the Star-Spangled Banner Singer of the Millennium.

TRIBUTE TO THE GENERAL DANIEL “CHAPPIE” JAMES AMERICAN LEGION AUXILIARY UNIT 776

Mr. DEWINE. Mr. President, today I would like to honor a great volunteer organization from my home state of Ohio—The General Daniel “Chapppie” James American Legion Auxiliary Unit 776. Based in the city of Dayton, this organization and its members were recognized recently by USA Weekend magazine for their participation in the "Ninth Annual Make a Difference Day," which is the largest national day of helping and volunteerism.

To be recognized by USA Weekend, an organization must demonstrate great efforts and achievements in the areas of volunteerism and community service. The General Daniel “Chapppie” James American Legion Auxiliary Unit 776 certainly has done that. One of its members, Mrs. Ola Matthews, heard that foster children around the Dayton community must carry their belongings through the foster care system in plastic trash bags. This worried her greatly. So, she set about to help these children. Under her leadership, the members of Unit 776 conducted fundraisers to buy luggage and collected luggage from community donors. On October 23, 1999, the members of Unit 776 delivered the fruits of their effort—over 1,000 pieces of luggage, plus toiletries, underclothes, and baby supplies—to the Montgomery County Children's Services in Dayton. This is a remarkable achievement and a demonstration of great selflessness and generosity. It is actions like these—an organization helping those in its community—that makes Dayton such a great city.

Mr. President, one young member of this organization, in particular, has made outstanding contributions to her community. Shatoya Hill, who has been involved in Unit 776 most her life,
has just been awarded a $6,000 scholarship for her community service and academic achievements. She has been Junior President of the organization for over 5 years. During this time, she has organized and participated in many fundraisers, from helping veterans to delivering food baskets to the needy during Christmas.

The Dayton Alumnae Chapter of Delta Sigma Theta, a public service sorority, awarded the scholarship, which is presented to young women who have excellent academic records, possess high moral character, participate in their church and community, and have interest in higher education. Shatoya certainly exhibits all of these positive qualities. It is great to see Ohio youths working hard for their communities and being recognized for their achievements.

Congratulations Unit 776 and congratulations Shatoya!

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. DeWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPLANATION OF ABSENCE

Mr. WELLSTONE. Mr. President, I was necessarily absent today for roll-call vote No. 228, on the motion to invoke cloture on the motion to proceed to S. 2507, the intelligence authorization bill. I was in Minnesota visiting with my constituents in Granite Falls who were victims of a tornado which struck the city last night and caused severe damage and some loss of life. Had I been present, I would have voted aye on the motion.

MIDDLE EAST PEACE

Mr. BROWNBACK. As recently as this morning, upon Chairman Arafat's arrival back in Gaza, Arafat said:

There is an agreement between us and the Israeli government made in Sharm-El-Sheikh that we continue negotiations until Sept. 13th, the date for declaring our independent state, with Jerusalem as its capital, whether people like it or not.

By itself, the threat undermines confidence in the Palestinians' commitment to the peace process and, in effect, would abrogate the foundation of the Oslo accords that all outstanding final status issues will be resolved through negotiations.

Allow me, for a moment, to review the history here. More than 50 years ago, the United Nations created two states: Israel and Palestine. The creation of a homeland for the Jews in Israel was unacceptable to the Arabs, and five Arab states attacked the newly created state. When all was said and done, Israel was a reality, and the nominal Palestine ended up in the hands of Jordan. We never heard about Jerusalem then.

In fact, when the PLO was created in 1964, Jerusalem was never even mentioned.

When Jordan lost the West Bank and Jerusalem in 1967, then the question of Palestine and Jerusalem became important once again. In fact, we are told that the reason Yasser Arafat walked out of Camp David was because he did not get all of east Jerusalem and the Old City. In other words, when Arafat did not get through the peace process what he could not get through war, he decided to walk away from peace.

One thing has become clear to me in the last few years. The Oslo agreement was nothing less than an admission on the part of the Palestinians and the PLO that Israel would never be defeated in war. The Palestinians entered into a peace process because they had no other choice. Now I am forced to question whether they are to that process. If the aim is to win through negotiations what they could not through war, then what kind of a process is it?

There are no ambiguities here: Either the Palestinians are committed to the process, and to a negotiated outcome, or they are not. Arafat's threat to declare a Palestinian state on September 13, 2000 is an abrogation of the peace process, and as such, an abrogation of any understanding with the United States regarding the PLO and Mr. Arafat as negotiating partners.

U.S. assistance to the Palestinians is predicated upon good faith negotiations in a peace process. Nothing else. Nothing. For those that have some doubt, I remind them that as far as U.S. law is concerned, the Palestine Liberation Organization is a terrorist organization.

I and many of my colleagues have always stood ready to accept the outcome of a negotiated peace between Israel and the Palestinians. We have done so reluctantly, because of fears about what a Palestinian state would do, how it would survive, about the commitment to democracy, and real fears about terrorism.

We will not stand idly by and accept a non-negotiated solution, contrary to the Oslo Accords, contrary to the spirit of a peace process. Should Mr. Arafat go forward and declare a Palestinian state, the bill that Senator SCHUMER and I are offering today will preclude the expenditure of funds to recognize that state and preclude further assistance to any Palestinian governing entity. It instructs the President to use the voice and vote of the United States in the United Nations bodies to stop recognition or admission of a Palestinian state.

I hope Chairman Arafat chooses the path of peace. However, if he does not, this legislation will ensure that the relationship between the U.S. government and the Palestine leadership will change.

We will not recognize the unilaterally declared Palestinian state and we will strongly urge all others not to do so. Either there is peace through a process or there can be no peace. If that is what Yasser Arafat wants, it is a terrible mistake to engage against the Palestinians, and a mistake that history will not forget.

CELEBRATING THE 10TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT: A DECADE OF PROGRESS

Mr. BYRD. Mr. President, over the past month and a half, a brightly lit torch has made its journey through nineteen cities, carrying with it each step of the way the passionate and able spirit of the disability community.

Today the torch arrives at its 20th stop along the way, our Nation's Capital, to mark the tenth anniversary of the signing of the Americans with Disabilities Act. It is indeed an important day in our Nation's long history.

President Franklin Roosevelt once said, "No country, no matter how rich, can afford to waste its human resources." I am proud to say that the Americans with Disabilities Act lives up to President Roosevelt's objective. For 10 years now, this momentous, landmark civil rights legislation has opened new doors to the disability community. It has, at long last, allowed handicapped individuals the opportunity and the access to have their potential recognized both inside the workplace and outside the community. It has brought the American dream within reach for the millions of American families with disabled members.

Over the past decade of the ADA, we have seen dramatic changes throughout the nation in equal opportunity—from new and advanced technology allowing for greater public accommodation at places of business and in communities, to transportation and telecommunications technology for disabled Americans. Look around today—people with disabilities are participating in a far greater extent in their communities and are living fuller, more productive lives as students, workers, family members, and neighbors. They are dining out; cheering at football games and other sporting events; often even playing sports themselves; going to the movies; participating in state, local, and Federal Government; and raising families of their own.

All of this is evident that the capability of this community far outweighs the challenges of a disability. I am proud that the ADA has been particularly instrumental in removing many of the barriers that would otherwise impede the ability and success of the disability community. Take the example of Casey Martin, the professional golfer from Oregon with a rare disability that substantially limits one's ability to walk.
Casey had long dreamed of playing in a PGA tour. But, because of his disability, Casey encountered a huge barrier. In these tournaments in which Casey wanted to play, the tour would not allow the use of a golf cart. When a Fed Court in Oregon ruled that the PGA tour is a "public accommodation" and should modify their policy of no golf carts to accommodate Casey's disability, his vision became a reality. According to Casey, "Without the ADA, the need would have been able to pursue my dream of playing golf professionally."

While for Casey Martin the ADA has meant achieving his most far-reaching goal, for other disabled Americans, the ADA has simply allowed them to live each new day with a little more ease and comfort. To name just a few areas in which the ADA has facilitated progress—access to restaurants and public restrooms, modifications to the aisles and entrances of supermarkets, assistive systems and equipment like Disney World and many theaters for the deaf and hard of hearing, and large print financial statements for those with vision impairments. Mr. President, these are the kind of simplifies life that those without disabilities expect and take for granted, and because of the ADA, they have now come to be a part of the disability community's life too.

Just as the barriers that continue to face each of us in life take many years to craft, they take many years to conquer. Together, we must find the strength and the courage to pick our battles. I commend the disability community today on their passion and their vigilance, and I celebrate with you on this 10th anniversary of the Americans with Disabilities Act for all that this day has brought to your community, and for all that it will continue to bring in the years ahead. Let today also remind each one of us to the ADA for all Americans.

Mr. KENNEDY. Mr. President, 10 years ago today Congress passed landmark civil rights legislation, based on the fundamental principle that people should be measured by what they can do, not what they can't do. With the passage of the Americans with Disabilities Act, America began a new era of opportunity for the 47 million disabled citizens who had been denied full and fair participation in society.

We continue to build in Congress on the bipartisan achievements of the ADA. I'm gratified by President Clinton's strong endorsement today of the Grassley-Kennedy Family Opportunity Act now pending in Congress. The goal of our legislation is to remove as many of the remaining barriers as possible that prevent families raising children with disabilities and special health needs from leading full and productive lives. No family in this country should ever be put in a position of having to choose between a job and the healthcare their disabled child needs. The Family Opportunity Act ensures that no family raising a child with special needs would be left out and left behind.

For generations, people with disabilities were viewed as citizens in need of charity. Through ignorance, the nation accepted discrimination and succumbed to prejudice. The passage of the ADA finally moved the nation to shed these condescending and suffocating attitudes—and widen the doors of opportunity for people with disabilities.

Today we see many signs of the progress that mean so much in our ongoing efforts to see that persons with disabilities are included—the ramps beside the stairs, the sidewalks with curbs to accommodate wheelchairs, the lifts for helping disabled people board buses.

Whether they are family members, friend, neighbors, or co-workers, persons with disabilities are no longer second-class citizens. They are demonstrating their abilities and making real contributions in schools, in the workplace, and in the community. People with disabilities are no longer left out and left behind—and because of that, America is a stronger, better and fairer country today.

As the Americans with Disabilities Act, and the many disabled persons who worked so long and hard and well for its passage continue to remind us, equal opportunity under the law is not a privilege, it is a fundamental birthright of every American.

INFECTION DISEASE SURVEILLANCE

Mr. LEAHY. Mr. President, I want to briefly discuss a GAO report that was released earlier this week to be sure that other Senators are aware of.

The report, entitled "Global Health: Framework for Infectious Disease Surveillance," was commissioned by Senator McConnell and myself, and Senators Frist and Feingold. It investigates the existing global system, or network, of infectious disease surveillance, and will be followed by a second report which analyzes the strengths and weaknesses of this network and make recommendations for strengthening it.

We requested this report in response to a growing concern among public health officials about the inability of many countries to identify and track infectious diseases and respond promptly and effectively to disease outbreaks. In fact, the World Health Assembly determined in 1995 that the existing surveillance networks could not be considered adequate.

By way of background, the term "surveillance" covers four types of activities: detecting and reporting diseases; analyzing and confirming reports; responding to epidemics; and reviewing longer-term policies and programs. I will touch on these categories in a bit more detail, as they illustrate the need for reform.

In the detection and reporting phase, local health care providers diagnose diseases and then report the existence of pre-determined "notifiable" diseases to national or regional authorities. The accurate diagnosis of patients is obviously crucial, but it can be very difficult to determine many diseases. It is even more difficult in developing countries, where public health professionals have less access to the newest information on diseases. As the next steps in surveillance, disease patterns are analyzed and reported diseases are confirmed. This process occurs at a regional or national level, and usually involves lab work to confirm a doctor's diagnosis. From the resulting data, a response plan is devised. Officials must determine a number of other factors as well, such as the capability of a doctor to make an accurate diagnosis. Unfortunately, in many developing countries the process can take weeks, while the disease continues to spread.

When an epidemic is identified, various organizations must determine how to contain the disease, how to treat the infected persons, and how to inform the public about the problem without causing panic. Forty-nine percent of internationally significant epidemics occur in complex emergency situations, such as overcrowded refugee camps. Challenges in responding to epidemics are mainly logistical—getting the necessary treatment to very remote communities.

Finally, in assessing the longer-term health policies and programs, surveillance teams can provide information on disease patterns, health care priorities, and the allocation of resources. However, information from developing countries is often unreliable.

I want to emphasize two points. The first is that all the activities that I have just described are done by what WHO calls a "network of networks." It is in fact a global system for infectious disease surveillance. Let me repeat, for anyone who thinks there is some centrally-managed, well-organized global system, there is not. Rather, what exists is a loose network, a patch-work quilt of sorts, involving the UN, non-governmental organizations, national health facilities, military laboratories, and many other organizations, all of which depend upon each other for information, but with no standardized procedures.

The second point is that in countries where a tropical climate fosters many infectious diseases, one also finds the least amount of reliable data. If we as a country, or we as a global community, are committed to eradicating the deadliest diseases, boosting the capacity for effective surveillance in the developing countries is where we need to focus our attention.

The sequel to this report is due to be released by the GAO in a few months. It will assess the progress made to improve surveillance and assess the weaknesses of this loosely-organized surveillance system, and make recommendations for strengthening it. We need to
be able to accurately diagnose diseases, and quickly transmit the information to the global health community. I urge other Senators to read this first report. This is an issue that has received far too little attention, and which directly affects the health of every American. Any disease, whether HIV/AIDS, malaria, TB, or others as yet unknown, which could infect and kill millions or tens of millions of people, is only an airplane flight away.

Accuracy, which is the first step to an effective response, is critical. Yet today we are relying on a haphazard network of public, private, official, and unofficial components of varying degrees of reliability, patched together over time. It is a lot better than nothing, but the world needs a uniformly reliable, coordinated system with effective procedures that apply the highest standards. I look forward to GAO's next report, and its recommendations for action.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. As chairman of the Senate Rules Committee, which has jurisdiction over the campaign finance issue, and one who has been rather closely identified with the spirited debate in this arena over the past decade, I wholeheartedly support putting S. 1816, the Hagel-Kerrey bill, on the Senate Calendar.

That is not to say I would vote "aye" were there a rollcall vote on the bill as it is currently drafted.

Senator Hagel's legislation was the backdrop for a comprehensive series of hearings held by the Senate Rules Committee between March and May of this year. The final hearing occurred the testimony of Senator HAGEL, Senator KERREY, Senator ABRAHAM, Senator HUTCHISON, and Senator LANDRIEU.

An impressive, to say the least, bipartisan lineup of Senators bravely stepping into the breach separating those who pull out the playbook of antiquated, instantly unconstitutional campaign finance schemes of the past, from others like myself who firmly believe that the first amendment is America's greatest political reform and must not be sacrificed to appease a self-interested editorial board at the New York Times.

The Senator from Nebraska has taken what for the past couple of years has been the biggest bone of contention in the campaign finance fight in the Senate—soft money—and essentially split the difference between the opposing camps. Rather than an unconstitutional and destructive provision to entirely prohibit non-federal activity by the national political parties, Senator Hagel crafted a middle ground in which the party so-called "soft" money contributions would be capped. Yet, even a cap raises serious constitutional questions and would surely be challenged were one to be enacted. Nevertheless, the Hagel-Kerrey approach is more defensible and practicable than outright prohibition.

Coupled with the party soft money cap in the Hagel-Kerrey bill is an ameliorative and common sense provision to update the hard-money side of the equation by simply adjusting the myriad hard money limits to reflect a quarter-century of inflation. An inflation adjusted hard money limit is twenty-five years overdue. Candidates, especially political outsiders who are challenging entrenched incumbents, are put at a huge disadvantage by hard money limits frozen in the 1970s.

The lower the hard money limits are, the more that insiders with large contributor lists are advantaged. Incumbents and celebrities who benefit from the outset of a race with high name recognition among the electorate also start way ahead of the unknown challenger. The greatest beneficiary of low hard money limits are the millionaire and billionaire candidates who do not have to raise a dime for their campaign because they can dip into their family mansion, cash out part of their stock portfolio and write a personal check for the entire cost of a campaign.

As hard money limits are eroded through inflation and non-wealthy candidates are further hampered, election outcomes are ever more likely to be determined by outside groups whose independent expenditures and issue advocacy are completely unlimited. That is "non-partisan soft money." Mr. President, absent from the attacks on party soft money is any acknowledgment by reformers that the proliferation is linked to antiquated hard money limits which control how much the parties can take from individuals and PACs to pay for federal election activities. It stands to reason that hard money limits frozen in 1974 and thereby doomed to antiquity are going to spawn an explosion of activity on the soft money side of the party ledger.

It also is not coincidence that increased soft money activity in the past decade corresponded to vastly increased competition in the political arena. We are amidst the third fierce battle for control of the White House in the past decade. And every two years America has witnessed extremely spirited contests over control of the Congress. Democrats who had been exiled from the Oval Office under Jimmy Carter's administration at long last got to spend some quality time at 1600 Pennsylvania Avenue and are not keen to give that up. Republicans, after four decades in the minority, got to savor the view from the Speaker's office in the House of Representatives and they would like very much to keep it. And we have seen more than a little action on the Senate-side of the Capitol.

Reformers look upon all this activity over the past decade, in abject horror, seeing only dollar signs and venal "special interests." I survey the same era and see an extraordinary period in which every election cycle featured a tremendous and beneficial national war of ideas over the best course for our nation to pursue in the coming years and which party could best lead America on that path.

All signs, Mr. President, of a competitive, healthy, and vibrant democracy.

While I strongly support the hard money adjustments in the Hagel-Kerrey bill, I remain concerned by the bill's silence in an area sorely in need of reform: Big Labor soft money. The siphoning off of compulsory dues from union members for political activity with which many of them do not agree is a form of tyranny which must not be permitted to continue. Senate Republicans have fought hard, and unsuccessfully, to protect union workers from this abuse. Democrats are understandably and predictably loathe to risk any diminution of Big Labor's contributions which may result from freeing the rank-and-file union members from forced support of candidates and causes, but the absence of reform in this area is unacceptable. Big Labor soft money and involuntary political contributions must be part of any comprehensive reform package which ultimately patch soft money.

With those pros and a few others, I will close by again commending the Senator from Nebraska from his willingness to wade in a big way into one of the most contentious issues before Congress—an issue on which Memers of Congress have a vested personal interest but that affects not just us but every American citizen and group that aspires to participate in the political process. That is why the U.S. Supreme Court will be the final arbiter of any campaign finance bill of consequence. And those are the reasons we should continue to be cautious and deliberative as the effort continues for a non-partisan, constitutional campaign reform package.

Mr. HAGEL. Mr. President, today we have moved a step closer to implementing comprehensive campaign finance reform. With the help of Senator MITCH McCONNELL, Chairman of the Senate Rules Committee, the Open and Accountable Campaign Financing Act of 2000 will soon be placed on the Senate Calendar, ready for debate by the full Senate.

I introduced the Open and Accountable Campaign Financing Act of 2000 along with Senators BOB KERREY, SPENCE ABRAHAM, MIKE DEWINE, SLADE GORTON, MARY LANDRIEU, CRAIG THOMAS, JOHN BREAUX, KAY BAILEY HUTCHISON, and GORDON SMITH as a bipartisan approach to campaign finance reform because we felt it was a common sense, relevant and realistic approach. We offered it as a bipartisan compromise to break the deadlock on campaign finance reform and to bring forth a vehicle that could address the main holes in the net of our current system.

The purpose of our legislation is to place more control and responsibility
for the conduct of campaigns directly in the hands of the candidates. Our legis-
lation is not the solution for all of the problems now facing us, but I be-
lieve it is a good solid beginning to ac-
complish meaningful campaign finance reform.

After a series of hearings in the Senate Rules Committee this spring on campaign finance reform, we will now be able to put a bill on the Senate Cal-
edar that has bipartisan support. If we are to accomplish comprehensive re-
form this year, bipartisan support is essential and our bill has that support.

While I was very pleased with the re-
cent vote in Congress to require disclo-
sure by 527 organizations, that bill is not a substitute for more com-
prehensive campaign finance reform. It is a solution for a small problem. We
need to continue to fight for campaign finance reform that is broader and
more comprehensive.

I am hopeful that the full Senate will
be able to debate comprehensive cam-
paign finance reform legislation, in-
cluding the Open and Accountable Campaign Financing Act of 2000, this
year. We have an opportunity to achieve something reasonable and re-
 sponsible this year.

Again, I would like to thank Senator
McConnell for holding hearings in the Rules Committee on campaign finance reform and helping move the process along. I look forward to working with
him and all Senators interested in ad-
vancing campaign finance reform.

VICTIMS OF GUN VIOLENCE
Mr. WYDEN. Mr. President, it has been more than a year since the Col-
munie tragedy, but still this Repub-
lican Congress refuses to act on sen-
sible gun legislation.

Since Columbine, thousands of Amer-
icans have been killed by gunfire. Until we act in the Senate today, we need to read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the days following the attack, we lost some of the names of those who died, but we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 26:

Frederick Branch, 17, Memphis, TN;
Kenny Curry, 30, Chicago, IL; Mendell
Jones, 17, Baltimore, MD; Eduardo
Lecceano, 36, Miami-Dade County, FL;
Andre Moore, 21, Baltimore, MD; Ken-
thek Pruett, 22, Houston, TX; John
Pringle, 18, Baltimore, MD; Carlton
Valentine, 33, Baltimore, MD; Uniden-
tified male, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The death of these people are a reminder to all of us that we need to enact sen-
sible gun legislation now.

RUSSIAN WARHEADS/ DOMESTIC SECURIT Y
Mr. MURKOWSKI. Mr. President, I rise today to discuss two issues of

The objectives of maintaining a viable domestic uranium enrichment capa-

bility while controlling the disposal of former Soviet nuclear weapons. But, all things considered, the program to date has been a success. Without ques-
tion, more comprehensive campaign finance reform is essential and our bill has that support—our most important charge as law-
makers—has been enhanced by im-
plementation of this Agreement.

Mr. President, the Russian HEU Agreement contributes to our Nation’s
security, but the agreement adversely affects the enterprise that makes this commercial solution to a national security problem possible. This difficulty was understood when the government adopted this program. Purchases of large quantities of Rus-
sian weapons derived material result in growing effects on the companies in the private sector domestic nuclear fuel cycle. Our uranium mining, con-
version, enrichment, and the communities dependent upon those plants are being hit.

As Executive Agent for USEC, I have been advised that USEC has suffered substantial losses due to fixed price purchases from Russia as well as increased costs due to reduced levels of domestic production resulting from introduction of the Rus-
sian material into the market.

Earlier this year, and with the sup-
port of the Administration, USEC had been negotiating with Russia to amend the Agreement to include market-
pricing. I have been advised that USEC closely coordinated its plans and intentions with the President’s Inter-
agency Enrichment Oversight Com-
mittee at all phases of its discussions with the Russians. Yet, as USEC and the Russians were meeting in Moscow to sign the new Agreement, the Depart-
ment of Energy, a member of the Over-
sight Committee, prevented the signing at the last minute.

I cannot understand why the Energy
Department would prevent the adop-
tion of an amendment that would sta-
bilize the Agreement through the re-
mainder of the energy program. Reportedly the terms were acceptable to both parties. In addition, the Agree-
ment would have protected the inter-
est of our own domestic nuclear fuel industry. As part of the Agreement, Russia wanted USEC to purchase com-
mercially produced enrichment in addi-
tion to the weapons-grade enrichment. USEC negotiated terms con-
sistent with a previous Administration
approved program making it manda-
tory that this additional quantity be
matched with domestically produced enrichment. Additional natural uranium would be brought into the domestic market. The amendment to the Agreement was specifically crafted so that no damage would be in-
flicted upon the domestic nuclear fuel
industry as a result of purchasing the ad-
ditional material.

The Department of Energy’s action threatens to destabilize the agreement.
Who knows how long the Russians will sit by without this Agreement. The National Security Council and the State Department and others on the Enrichment Oversight Committee have endorsed the signing of this Agreement. I strongly support it. I urge its quick ratification and I suggest that those of us in the Congress who believe in the vital importance of this Agreement express our concern to the Administration and demand that the Energy Department withdraw its objection and that the Agreement be speedily signed.

As I stated, higher production costs, decreased demand, and lower world prices have hit USEC, our Nation's sole domestic uranium enricher, particularly hard. USEC's Form 10-Q filed with the Securities and Exchange Commission for the quarter ended March 31, 2000 noted that: "In February 2000, Standard & Poor's and Moody's Investors Service revised their credit ratings of USEC's long-term debt to below investment grade. These ratings give USEC the ability to discontinue its uranium enrichment operations at a plant. USEC is evaluating its options; however, a decision has not been made as to whether to close a plant or to operate at a level which would be selected for the timing of any closure." Finally, on June 21, the Board of Directors of USEC Inc. voted to cease uranium enrichment operations in June 2001 at the Portsmouth gaseous diffusion plant in Piketon, Ohio, to consolidate all enrichment operations at its Paducah, Kentucky production plant. USEC maintained that it could not sustain current operations at two production plants, each of which is currently operating at only 25 percent of capacity. The company said that its production costs were too high and that the termination of operations at Portsmouth would save upwards of $55 million in fixed costs annually.

USEC's failure to close a plant comes as no surprise. For over a year, there has been speculation within the Clinton Administration, the energy industry, the media, and on Capitol Hill that USEC would be forced to consolidate its uranium enrichment production.

Mr. James R. Mellor, Chairman of USEC's Board of Directors was quoted in a news release as saying: "The decision to cease enrichment at one of our facilities is a difficult decision, and one that we have not taken lightly. The decision was made necessary by the need to ensure a viable domestic uranium enrichment capability." USEC cited multiple factors in determining which plant would close. Key elements in USEC's analysis included: "long-term and short-term power costs, production performance, facility reliability, design and material condition of the plants, risks associated with meeting customer orders on time, and other factors relating to assay levels, financial results, and new technology issues.

I know that my colleagues from Ohio are deeply disturbed by USEC's decision to close the Portsmouth plant. I understand that USEC has made a difficult decision because of the impact the Portsmouth plant was an extremely important to the energy industry, the media and on Capitol Hill. There has been speculation within the industry, the media and on Capitol Hill that USEC would be forced to consolidate its uranium enrichment operations.

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OMNIBUS LONG-TERM CARE ACT OF 2000

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the "Omnibus Long-Term Care Act of 2000." This bill brings together very important initiatives for making long-term care more affordable for Americans. In particular, this bill contains a $3,000 tax credit for caregivers and a tax deduction for the purchase of long-term care insurance.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend. In fact, 50 years old in Indiana alone, there are 568,300 caregivers. The government spent approximately $32 billion in formal home health care costs and $83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide $196 billion worth of care a year.

As a member of the Special Committee on Aging, I held a field hearing in Indiana on making long-term care more affordable. At this hearing, I learned first hand the importance of this tax credit. Jerry and Sue Cahee take care of Jerry’s mother who has Alzheimers. At the hearing Jerry Cahee shared the following: “Mother is a wonderful and friendly person to everyone—except her caregivers. We have discovered that life, aging, and illness are not fair. We have discovered that life, aging, and illness are not enough to make love hard—that love is not enough to make the difference. We know that memories are all that we have left of the happy times in Mother’s life. To care for her, make her last days comfortable, to meet her ever increasing medical needs, to offer her the security of a loving safe home, and to let her know that she is loved—these things have become our purpose for living. The financial drain has been difficult, the emotional strains are enormous.”

Paul Severance, the Director of United Senior Action, a senior advocacy group in Indiana represented his constituency at the hearing when he stated “The burden on families who are trying to provide long-term care at home is tremendous; they typically face substantial expenses for special care, such as nursing visits, they often have lost wages because of the demands of caring for a loved one; and there can be a great cost to their own health as a result of the constant demands of caregiving.”

In addition to the tax credit, a deduction for the purchase of long-term care insurance makes it more affordable for Americans to purchase long-term care policies that can provide them with the coverage they will need. Congress needs to continue to explore ways in which to ensure long-term care options are available to all Americans.

I am encouraged by the introduction of this bill and the bipartisan support it has received. It is my hope that we can work together to implement this legislation and make it more affordable for seniors to receive long-term care. I urge my colleagues to support this bill.

FCC REGULATION OF PAY PHONES

Mr. BURNS. Mr. President, in the four years since the passage of the Telecommunications Act of 1996, dramatic changes have occurred in our telecommunications markets. We have seen competitive environments in such areas as wireless communication and long distance service. Advanced telecommunications services have great potential for deployment in the near term, if only the Federal Communications Commission would more aggressively promote them. All of this change is occurring in the context of an explosion of information technologies and the Internet.

Yet the ‘96 Act dealt with much more than the high tech changes we read so much about these days. The legislation was designed to transform the entire telecommunications industry under the leadership of the FCC, to the benefit of all consumers. And the Act was designed to ensure that all Americans could have access to the vast array of services the Act will stimulate.

Today I would like to briefly address one aspect of the ‘96 Act that is often overlooked in the glamour of “high-tech.” Public payphones are a critical piece of this access. For millions of Americans public payphones are their only access to the telecom network. And when the batteries or the signal for the wireless device fail, public payphones are a reliable source of inexpensive access, in an emergency or otherwise. Public payphones are emerging as public information portals, true on-ramps to the information highway, available to anyone at anytime.

In order to ensure that these instruments of public access would continue serving as gateways of last resort and continue evolving using new technologies, the issue of adequate compensation for pay phone calls was addressed by the ’96 Act. This requirement of the ‘96 Act was designed to promote fair competition and benefit consumers by eliminating distorting subsidies and artificial barriers. However, the law has not been fully implemented, and I am calling on the FCC to act expeditiously to address this regulatory oversight. Payphones are an important segment of the telecommunications industry, especially in rural communities, including so-called ‘dial around’ areas like those in my home state of Montana.

Local telephone companies operated payphones as a legal monopoly until 1996, when an FCC proposal to require that competitors’ payphones be interconnected to local networks, still, local telephone companies were able to subsidize their payphone service in competition with independent payphones. The ’96 Act was designed to change all of this. It was designed to create a level playing field between all competitors and to encourage the widespread deployment of payphones. It did this by requiring local telephone companies to phase out subsidies; by mandating competitive safeguards to prevent discrimination by the LECs and ensure fair treatment of competitors when they connect to local systems; and by assuring fair compensation for payphones. The ’96 Act was designed to change all of this. It was designed to create a level playing field between all competitors and to encourage the widespread deployment of payphones. It did this by requiring local telephone companies to phase out subsidies; by mandating competitive safeguards to prevent discrimination by the LECs and ensure fair treatment of competitors when they connect to local systems; and by assuring fair compensation for payphones.

Yet, the basic requirements of the ’96 Act are not being implemented by the FCC to assure fair competition. Pay phone operators are not being compensated for an estimated one-third of all dial-around calls, particularly when more than one carrier is involved on long distance connections. An industry proposal to remedy this situation has been pending at the FCC for more than a year without any action being taken. And the FCC also needs to bring to a hasty resolution the issue of the appropriate rate structure for payphone providers. Today, there are about 2.3 million pay phones nationwide. While all payphones are threatened by the gaps in dial-around payments, 600,000 of them are independently owned and are particularly vulnerable. Despite this, many small payphone operators now find themselves being forced to pull payphones or go out of business altogether. And they are also in need of certainty regarding the rates they pay the local telephone companies. The payphone industry should not exist more than four years after the enactment of the 1996 legislation."
I hope the FCC will act quickly to assure adequate compensation for each call. I hope the FCC will take immediate steps to enforce the requirement for non-discriminatory and fair line rates. I hope the FCC will take those basic steps required by the 1996 law. Fair today I rise to urge the Senate to pass the Bulletproof Vest Partnership Grant Act of 2000, Mr. LEAHY. Mr. President, I wanted to inform the Republican leadership that the House of Representatives today passed the Bulletproof Vest Partnership Grant Act of 2000, H.R. 4693, by a lopsided vote of 413-3. I hope that the Senate will quickly follow suit and pass the House-passed bill and send it to the President. President Clinton has already endorsed this legislation to support our nation’s law enforcement officers and is eager to sign it into law.

Senator CAMPBELL and I have introduced the Senate companion bill, S. 2413. Unfortunately, someone on the other side of the aisle has a hold on our bill. We have been working for the past week to urge the Senate to pass the Bulletproof Vest Partnership Grant Act of 2000, S. 2413. The Senate Judiciary Committee passed our bill unanimously on June 29. It has been cleared by all 46 Democratic Senators. But it still has not passed the full Senate. This is very disappointing to our nation’s law enforcement officers who need life-saving bulletproof vests to protect themselves. Protecting and supporting our law enforcement community should not be a partisan issue.

Senator CAMPBELL and I worked together closely and successfully with the Chairman of the Judiciary Committee in the last Congress to pass the Bulletproof Vest Partnership Grant Act of 1998 into law. Senator HATCH is an original cosponsor this year’s bill to reauthorize this grant program. Senators SCHUMER, KOHL, THURMOND, REED, JEFFORDS, RICH, REED, SARBANES, BINGAMAN, ASHcroft, Edwards, Bunning, CLELAND, HUTCHISON and ABRAHAM are also cosponsors of our bipartisan bill.

But for some reason a Republican senator has a hold on this bill to provide protection to our nation’s law enforcement officers. According to the Federal Bureau of Investigation, more than 40 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatal injury to officers while not wearing body armor is 14 times higher than for officers wearing it.

To better protect our nation’s law enforcement officers, Senator CAMPBELL and I introduced the Bulletproof Vest Partnership Grant Act of 1998. President Clinton signed our legislation into law on June 16, 1998. Our law created a $25 million, 50 percent matching fund for the purchase of stab-proof vests eligible for grant awards to protect corrections officers in close quarters in local and county jails.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives. It is essential the we update this law so that many more of our officers who are risking their lives everyday are able to protect themselves.

I hope this mysterious “hold” on the other side of the aisle will disappear. The Senate should pass without delay the Bulletproof Vest Partnership Grant Act of 2000 and send to the President for his signature into law.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 25, 2000, the Federal debt stood at $5,670,717,940,248.21 (Five trillion, six hundred seventy billion, seven hundred seventeen million, nine hundred forty thousand, two hundred forty-eight dollars and twenty-one cents).

Five years ago, July 25, 1995, the Federal debt stood at $4,940,346,000,000 (Four trillion, nine hundred forty billion, three hundred forty-eight million dollars and twenty-one cents).

Ten years ago, July 25, 1990, the Federal debt stood at $3,885,000,000,000 (Three trillion, one hundred sixty-one billion, eight hundred eighty-five million dollars).

Fifteen years ago, July 25, 1985, the Federal debt stood at $1,798,533,000,000 (One trillion, seven hundred ninety-eight billion, five hundred thirty-three million dollars).

Twenty-five years ago, July 25, 1975, the Federal debt stood at $535,316,000,000 (Five hundred thirty-five billion, three hundred sixteen million dollars which reflects a debt increase of more than $5 trillion—$5,135,401,940,248.21 (Five trillion, one hundred thirty-five billion, four hundred one million, nine hundred forty thousand, two hundred forty-eight dollars and twenty-one cents)) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO WILLIAM T. YOUNG

• Mr. McCONNELL. Mr. President, I rise today to honor my good friend and fellow Kentuckian, Bill Young, in recognition of his service and dedication to the state of Kentucky. As Bill steps down from a few of his many leadership positions, I pay tribute to him for his lifelong commitment to this region.

Born in Lexington, he has always focused on the state’s higher education. Bill’s many leadership positions, including Transylvania University Board of Trustees member and chairman of the board of Shakertown, have guided the growth and success of Kentucky. As he is known for his single-minded determination to help the future success of Kentuckians, he has left a legacy behind that would prove he is one of the state’s greatest assets.

No opportunity has been missed by Bill to continue Kentucky’s prosperity. With an interest in horses, he continued his success in the business world by becoming a prominent leader of thoroughbred racing. Over the years, he has helped construct the YMCA located on Lexington’s High Street, Shakertown, and the University of Kentucky’s new William T. Young Library. He still continues other projects for the community that are significant and meaningful to him.

Kentucky would not be what it is today without Bill’s leadership and guidance over the past years. Though he steps down to guide the future, Kentucky will feel the effects of his accomplishments for years to come. Thank you, Bill, for putting so much of yourself into this state to make it a better place for others. Your hard work and successes are admired, and they will continue to impact Kentucky for years to come. My colleagues join me in congratulating you on a job well done, and I wish you all the best for your future.

CELEBRATING THE 100TH BIRTHDAY OF COACH JEROME VAN METER

• Mr. ROCKEFELLER. Mr. President, today I rise to celebrate the life and accomplishments of one of West Virginia’s most esteemed citizens, Coach Jerome Van Meter. On August 15th of this year, Coach Van Meter will celebrate his 100th birthday. A remarkable milestone for a truly remarkable man, Coach Van Meter’s birthday provides a special opportunity for all of West Virginia to join in thanking him for a lifetime of service to our state.
With a career that has spanned a century, there isn’t much that Coach Van Meter hasn’t accomplished. Known affectionately as just Coach to his many students, he led the Beckley Flying Eagles to three state championships in football, and six more in basketball. A member since 1952 of the National High School Sports Hall of Fame, Coach was both a beloved teacher and principal and served on the faculty of Beckley College. In addition to the numerous honors and awards he has received, Coach Van Meter holds the great distinction of being a surviving veteran of both World Wars.

Today, however, the countless lives touched by Coach are his greatest legacy. The lessons he taught on the basketball court and football field brought many victories, but the lessons of life he taught his players and students shaped their destinies in more profound ways. Dedication, hard work, compassion and dignity are the touchstones of Coach Van Meter’s career, and his example continues to inspire us.

Thank you, Coach, for the invaluable contributions you have made to the families and communities of West Virginia. As you celebrate this very special birthday, you have my deepest admiration and gratitude.

A GREAT LADY DEPARTS

Mr. HELMS. Mr. President, on July 1, Mrs. Eusebia Ortiz Vera passed away in North Carolina. Born in 1912, she arrived in the United States from Cuba, appropriately, on the Fourth of July, 1954, pregnant and with young children to support.

In America, she promptly seized the opportunity to build a new life, as all immigrants to the U.S. hope they can do. Eusebia worked very hard to ensure that her children prospered. She made certain, above all, that all of them received good educations.

And those children who came to the United States did prosper, and become good citizens of the United States, going on to be a U.S. Ambassador to Honduras, a high school teacher, and a professor at the University of North Carolina.

Among her grandchildren, Mr. President, are two U.S. naval officers, a medical student studying to be a Navy doctor, two lawyers and an elementary school principal—college graduates all. Each of them is a testament to a good life.

When I read about her in The Charlotte Observer, I felt a sense of pride in her story. It is not merely a testimony to her own character, discipline and strength. No, it is also a reflection of what America is all about for so many—a land of opportunity and of hope.

Mr. President, I ask that the July 3 article published by The Charlotte Observer be printed in the RECORD at the conclusion of my remarks.

The article follows:

[From the Charlotte Observer, July 3, 2000]

FOR IMMIGRANT, JULY 4 WAS SPECIAL—WOMAN FROM CUBA ACHIEVED HER DREAM
(By Christopher Windham)

Eusebia Ortiz Vera of Charlotte came from Cuba on July 4, 1954, in search of the American dream. Like millions of immigrants who arrived before her, she was poor, but optimistic about the future. She was especially rich, for her children to become educated and successful Americans.

When Vera, 67, died of natural causes Friday—just days before Independence Day and the anniversary of her arrival in this country—it marked an end of a life that some say epitomized American patriotism.

"She was the original liberated woman," said Vera’s daughter Miriam Leiva, after Vera’s burial Sunday. "She really wanted a better life for herself and her children."

And Vera did attain that American dream. Born in Ponce, Puerto Rico, in 1912, Vera moved to Cuba with her father and six siblings when she was just 4 months old. Her mother had died moments after she was born. Vera married a Cuban schoolteacher at 22. She was a housewife during her years in Cuba. The marriage that brought Vera three children ended in 1962.

After the divorce, Vera was determined to give her children a better life than she had, family members said.

Vera decided to move the family to America, where she hoped her children would have greater opportunities. Leiva, 59, was 15 when her mother told her—at a moment’s notice—to pack a suitcase of her belongings.

Leiva said she boarded a plane along with her mother, brother and two aunts en route to Miami. Her sister, Beatriz Manduley, 17 at the time, stayed in Cuba because she was married.

"We came to America for the same reasons as all immigrants, to better our family," said Leiva, a consulting professor at UNC Charlotte.

The family could not speak English when they arrived, family members said.

"It was hard," Leiva said. "The most difficult part was all things we didn’t understand." She said her mother did not learn the language until 10 years later when she took English classes at a local high school.

The entire family shared a tiny one-room apartment until the kids graduated. Vera took a job as seamstress in the garment district of Miami. She never made more than 75 cents an hour, family members said.

Despite the limited income and food, Vera still strove for her children to be successful.

"From the moment we came to the United States, she told us we were going to succeed," said Frank Almaguer, Vera’s son. Almaguer is now the U.S. ambassador to Honduras.

Leiva said her mother prevented her from using a needle and thread because she didn’t want her daughter to become a seamstress.

"Women would come to the house and ask, ‘When is Miriam going to work in the factory?’ and mother will say ‘No, Miriam is going to the university,’” Leiva said.

Vera’s dream came true in 1957 when Leiva enrolled at Guilford College in Greensboro. With scholarships, loans and help from local Quakers, Leiva was able to graduate in 1961 with a degree in education.


All seven of Vera’s grandchildren are college graduates. Vera lived in Miami until 1997, when health conditions caused her to move to a nursing home in Charlotte.

"This is her legacy," said Leiva. "Failure was simply not an option for us."

HONORING JUDGE QUILLEN

Mr. BIDEN. Mr. President, I rise today to honor one of Delaware’s most brilliant legal minds and genuinely altruistic public servants—the Honorable William T. Quillen.

I have known Judge Quillen for 33 years. I first became acquainted with him when I was an attorney through out of law school and looking for a job. As a 32-year-old Delaware Superior Court judge he met with me and on blind faith recommended me for my first legal job. He has been a dear friend and confidant ever since. Over the past three decades, I have watched Judge Quillen with pride and admiration attain the greatest judicial heights any lawyer could ever strive for in Delaware, which is universally recognized—nationally and internationally—as having one of the most reputable, intellectual benches bar none.

He is known in my state affectionately and respectfully as “Judge,” “Chancellor,” “Justice,” and “Mr. Secretary of State.” After Governor Carper became Governor and was my recommendation to President Clinton in June, 1999 to serve on the United States Third Circuit Court of Appeals. It was during a medical examination required for this position that his high blood pressure was detected.

But his heart remained in the law. In 2000, in classic Bill Quillen altruism—he says it’s time to retire from the bench and make way for younger lawyers to serve as judges.

Early in his career, Bill Quillen served in the United States Air Force as a judge advocate, then as a top aide for Delaware’s Governor. His judicial career began in 1966 on the Superior Court, which is Delaware’s primary trial court. In 1973, he was elevated and confirmed as Chancellor of Delaware’s renowned Court of Chancery.

Following a two-year experience as a private attorney with the Wilmington Trust Company, he again headed the call for public service. In 1978, the General Assembly had expanded Delaware’s Supreme Court from three to five members, and the Governor called on Bill Quillen. He was confirmed unanimously as a Delaware Supreme Court Justice. He served on the State’s High Court for five years, before stepping down to run for Governor on the Democratic ticket. In one of the rare instances when he did not achieve his goal, Bill Quillen was not bitter or discouraged. In 1993, he accepted Governor Tom Carper’s call for continued public service to become Secretary of State.

In a state that more than half of the voters are over 65, he was confirmed as Chancellor of Delaware Trust Company, he again headed the call for public service. In 1978, the General Assembly had expanded Delaware’s Supreme Court from three to five members, and the Governor called on Bill Quillen. He was confirmed unanimously as a Delaware Supreme Court Justice. He served on the State’s High Court for five years, before stepping down to run for Governor on the Democratic ticket. In one of the rare instances when he did not achieve his goal, Bill Quillen was not bitter or discouraged. In 1993, he accepted Governor Tom Carper’s call for continued public service to become Secretary of State.

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TRIBUTE TO RON GIST

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to my friend and Phi Kappa Tau fraternity brother Ron Gist, as founder of Gist Piano Services, on the occasion of his success with his Louisville piano dealership.

After attending the University of Louisville, Ron started his piano dealership with only $1000 and two used pianos in 1971. Many years later, after persevering through a tornado in 1974, a devastating fire that nearly destroyed his business, and the hardship of an unfortunate economic downturn, Gist Piano Services has grown to become one of Louisville's most highly regarded piano dealerships, restorers, and consultants in the region.

As a natural salesman, Ron’s success has led to profitable relationships with the Louisville Orchestra, Kentucky Center for the Arts, and Kentucky Fair & Exposition Center. Also, Ron is one of few in the country selected for the honor to represent Steinway pianos. Ron has also provided piano services to other prestigious performance venues and for popular entertainers like James Taylor and Carol King.

Ron should most certainly be congratulated for his success with Gist Piano Services, but he should be recognized for his service to the community. He has dedicated himself to making a difference in people’s lives through music. By creating an environment where people can express themselves, like through playing the piano, children can learn how to imagine, create, and organize the power of music. These skills can later be used as key tools to succeed in the future as they enter adulthood. Thank you, Ron, for ensuring a better future for this state as the younger generations are better equipped to lead Kentucky.

Your hard work continues to display an unswerving commitment to the people of Kentucky and possesses the respect and gratitude of many in the community. The significant work which you and your wife Amanda have accomplished is appreciated by myself and the many others whose lives you have touched throughout your career.

Ron, thank you and best wishes for many more years of success. Know that your efforts to better the lives of those in the region will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others in Louisville, the state of Kentucky, and the entire music industry.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

THE TWENTY-FIRST ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1999—MESSAGE FROM THE PRESIDENT—PM #122

The PRESIDING OFFICER laid before the Senate the following message 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.

H.R. 3248. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 2919. An act to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance to the Freedom Center in Cincinnati, Ohio.

H.R. 2236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3291. An act to provide for the settlement of the water rights claims of the Shivwitz Band of the Paiute Indian Tribe of Utah, and for other purposes.

H.R. 3468. An act to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah.

H.R. 3485. An act to modify the enforcement of certain anti-terrorism judgments, and for other purposes.
H.R. 4047. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

H.R. 4927. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs, especially in the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4947. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

H.R. 4216. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes; to the Committee on Environment and Natural Resources.

The following concurrent resolutions were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9975. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Increase in Rates Payable Under the Montgomery GI Bill—Active Duty” (Docket 00–2969–A1) received on July 19, 2000, to the Committee on Veterans’ Affairs.

EC–9976. A communication from the Assistant Secretary of Legislative Affairs, transmitting, pursuant to law, a report of a rule entitled “Amendments to the International Traffic in Arms Regulation: NATO Countries, Australia and Japan” received on July 17, 2000, to the Committee on Foreign Relations.

EC–9977. A communication from the Assistant Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9979. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9980. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9981. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “TRICARE Nonavailability Statement Requirement for Maternity Care” received on July 19, 2000; to the Committee on Armed Services.

EC–9982. A communication from the Director of the Office of Management and Budget, Consumer Product Safety Commission, transmitting, pursuant to law, the Mid-Session Review for fiscal year 2001; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations, and the Budget.

EC–9983. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Part 702—Prompt Corrective Action; Risk-Based Net Worth Requirement” received on July 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9984. A communication from the Assistant Secretary of Labor for International, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled...
of medical residency training programs in
private pension plan system; to the Com-
mittee on Health, Education, Labor, and
Pensions.

By Mr. KENNEDY (for himself, Mr.
ROCKEFELLER, Mr. DASCHEL, Mr. MOYNIHAN, Mr. RIEDEL, Mr. L. CHASE, Mr. COLLINS, Ms. SNOWE, Mr. BAUCUS, Mr. BREAUX, Mr. CONRAD, Mr. GRAHAM, Mr. BRYAN, Mr. KERRY, Mr. ROBB, Mr. INOUYE, Mr. LAUTENBERG, Mr. AKAKA, Mr. SCHUMER, and Mr.
LEAHY):
S. 2923. A bill to amend title XIX and XXI of the Social Security Act to provide for Family Care coverage for parents of enrolled children, and for other purposes; to the Com-
mittee on Finance.

By Mr. COLLINS (for herself, Mr. DUR
BIN, and Mrs. FEINSTEIN):
S. 2924. A bill to strengthen the enforce-
ment of Federal statutes relating to false identification, and for other purposes; to the Com-
mittee on the Judiciary.

By Mr. THURMOND:
S. 2925. A bill to amend the Public Health Service Act to establish an Office of Men’s Health; to the Committee on Health, Edu-
cation, Labor, and Pensions.

By Mr. BINGAMAN:
S. 2926. A bill to amend title II of the So-
cial Security Act to provide for individuals to receive social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment; to the Com-
mittee on Finance.

By Mr. MURKOWSKI:
S. 2927. To make Improvements to the Arctic Research and Policy Act of 1984; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:
S. 2928. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the pub-
ic a convenient way to contribute to fund-
ing for the硃ember term of the World War II Memorial; to the Committee on Govern-
ment Affairs.

By Mr. NICHKLES:
S. 2929. A bill to amend provisions of the Energy Policy Act of 1992 relating to reme-
dial action of uranium and thorium proc-
cessing sites; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI:
S. 2930. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil environmental enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSELY, Ms. MIKULSKI, Mr. BAYH, Mr. BREAUX, Ms. COLLINS, and Mr. AKAKA):
S. 2931. A bill to amend the Employee Re-
tirement Income Security Act of 1974, the In-
ternal Revenue Code of 1986, and the Public Health Service Act to increase Americans’ access to long term health care, and for other purposes; to the Com-
mittee on Fin-
ance.

By Mr. ROBB (for himself, Mr. DASCHEL, Mr. BAUCUS, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KERRY, Mr. LEARY, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. RIEDEL, Mr. ROCKE-
FELLER, Mr. SCHUMER, Mr. TORRICELLI, Mr. HARKIN, and Mr.
BAYH):
S. 2932. A bill to provide incentives for new markets and community development, and for other purposes; to the Committee on Fi-
inance.

By Mr. DOMENICI (for himself, Mr. WYDEN, Mr. GRASSELY, and Mr. KERRY):
S. 2933. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rate for other purposes; to the Com-
mittee on Finance.

By Mr. BROWNBACK (for himself and Mr.
SCHUMER):
S. 2934. A bill to prohibit United States as-
sistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. ROCKEFELLER, Mr. JEFFFORDS, and Mr. LINCOLN):
S. 2935. A bill to amend the Internal Re-
venue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Fin-
ance.

By Mr. HATCH:
S. 2940. A bill to authorize additional as-
sistance for international malaria control, and to provide coordination and consulta-
tion in providing assistance under the For-
eign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; read the first time.

By Mr. HAGEL (for himself, Mr. KERRY, Mr. ABRAHAM, Mr. BREAUX, Mr. DEWIN, Mr. GORTON, Mrs. HATCHISON, Mr. LANDERIU, Mr. SMITH of Oregon, and Mr. THOMAS):
S. 2941. A bill to amend the Federal Cam-
paign Finance Act of 1971 to make cam-
paign finance reform through requiring bet-
ter reporting, decreasing the role of soft
money, and increasing individual contribu-
tions limits, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself, Mr. LIEBERMAN, Mr. HAGEL, Mr. HELMS, and Mr. LUGAR):
S. Res. 334. A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full member-
ship Israel’s Magen David Adom Society with its emblem, the Red Shield of David; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself and Mr. GORTON):
S. Res. 335. A resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership United Airlines and USA Airways is incons-
tistent with the public interest and public convenience and necessity policy set forth in section 49101 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. BINGAMAN:
S. 2922. A bill to create a Pension Re-
form and Simplification Commission to evaluate and suggest ways to enhance access to the private pension plan sys-
tem; to the Committee on Health, Edu-
cation, Labor, and Pensions.

The PENSION REFORM AND SIMPLIFICATION COMMISSION ACT
Mr. BINGAMAN, Mr. President: I rise today to introduce bill S. 2922 calling for the establishment of a Pension Re-
form and Simplification Commission. The legislation derives directly from conver-
sations I have had with constitu-
ents and experts on three key issues.

First, there is the problem related to the current cost and complexity of pri-
vate pension plans. In my view current regulations place an unnecessary bur-
den on small and medium business as they attempt to adopt pension plans. Indeed, even the simplest plans are often so complicated in form and func-
tion as to be incomprehensible to an
everyday businessperson.

Second, there is the problem involved in coverage. Although over-all pension coverage may be consistent over the last decade and the assets of private plans have been on the increase, my concern is with those individuals of low to moderate income who are being left out of the private pension plan equa-
tion. As companies move toward cheap-
er plans—401(k)s being a salient exam-
ple—and feel less obligated to offer de-
defined benefit-type plans, individuals who do not have the extra money to contribute to their pension plans are
unable to benefit from a plan's availability. This is if a plan is available at all, and in many cases it is not.

Third, there is the problem of what kind of private pension plans are best suited for the so-called “New Economy.” It is considered debate as of late in terms of what kind of private pension plans should be offered so as to increase saving, decrease mobility, provide opportunity, enhance entrepreneurship, and so on, all of which is apparent in the rise of hybrid pension plans. My foremost concern here is that Congress now finds itself reacting to innovative private pension plans rather than being pro-active in their creation.

Mr. President, in 1974, Congress passed the Employee Retirement Income Security Act, known by most people by its acronym of ERISA, our intention at the time being twofold. First, we wanted to protect the assets held in private sector retirement plans. Second, we wanted to create definitive rules that govern how these plans will be implemented in each and every state.

From most accounts we have accomplished those goals. There is no question that ERISA has flaws that must be addressed—and I will discuss these in detail later—but for all these flaws ERISA was extremely significant in that it reaffirmed the government’s commitment to the importance of retirement plans. Furthermore, it created a comprehensive framework in this country under which the expansion of private retirement plans could occur. Equally important, the mechanisms it established for personal saving has added trillions of dollars in available investment capital over the last decade alone, fueling in a very tangible way the unprecedented economic growth that we are seeing right now.

But for all the praise ERISA receives, it is also criticized widely and, in my opinion, correctly on a number of counts. For this reason, it is time to seriously re-evaluate whether it is addressing the needs and concerns of all Americans. It is time to examine whether it fits the demands of a changing, global, “new” economy.

As a specific example of these problems, the adoption of piecemeal, narrow, and complicated statutes and regulations since ERISA’s implementation has made substantial portions of our retirement system inefficient, expensive, and oftentimes incomprehensible to anyone wishing to use it. It is well-known that we continue to add provisions and plans with no effort at all to make them internally compatible. We may have a broad vision about what we want to do with retirement policy in this country, but we instead of revising retirement policy in a comprehensive and strategic manner, we simply add new ideas and language incrementally, hoping they will appeal to businesses who wish to offer them to their employees.

Sadly, the end result is that for many businesses the cost of compliance with ERISA regulations—the administrative and professional costs of qualification—rival and even outweigh the costs of providing the benefits themselves. This, in turn, has led to a decision by many owners that they can no longer afford to offer retirement plans to their employees, this in spite of their desire to do so. For these people, the current rules burden the system beyond the benefits they provide. This has to change.

But the cost and complexity I have just mentioned has had a corollary effect, that being a lack of access to pension plans on the part of low- and middle-income workers, women and minorities in particular. Rightly or wrongly, one of the foremost criticisms directed toward ERISA is that it has accelerated the demise of traditional defined benefit pensions and increased conversions to new plans, specifically defined contribution plans, like 401(k)s. Employers oftentimes no longer feel it is their role to provide retirement income to their employees as they once did under defined benefit plans. Instead they make defined contribution plans available and then educate employees as to how to save for themselves.

The problem is that the retirement security of a great many workers now lies in their ability to contribute individually, and this is not always possible. Indeed, data suggests that if these individuals are able to save adequately at all, they do so late in their careers—this after paying for their homes, their children’s education, and other important spending priorities. Only then do they have the opportunity to accumulate the money needed to supplement Social Security and carry them through retirement. But these are the lucky ones. The fact is a large proportion of Americans simply do no longer have the capacity to save, this in spite of living in a time of economic prosperity. This too needs to be changed.

There is a third reason to re-evaluate ERISA, and that is that the dynamics of the New Economy demand a discussion of what retirement policies best serve the economic interests of the United States. For a good part of this century, private pension plans were considered an integral part of keeping our workforce intact, their employees’ morale high, and devotion to the company constant. Employees stayed with companies because they identified with the company and were treated by employers as family. Continuity and connection were the primary motivations for individuals as they considered a job.

Recently, however, this rationale has changed, and has done so significantly. According to most analysts, the main determinant for most employees as they choose a job is personal development and professional growth, the feeling being that economic security is best attained by mobility—moving from one job to another, increasing education, pay, and retirement savings as you go. Staying at one firm is still an ideal for some but it is not essential for many. Perhaps more importantly, given the dynamics of the New Economy, there may be no rational to assume that you can find retirement security at a single firm.

The bottom line, much as the recent debates over cash balance plans suggests, is that some very basic issues concerning pension policy are coming to the fore at this time, examples being the essence of the employer-employee relationship, the ability of companies to attract and maintain a skilled workforce, the benefits provided to short- and long-term employees, the advisability of worker mobility seen in the context of technological innovation and globalization, and so on. Here, we must confront the reality of political economic change, and do so quickly and proactively.

But Congress is not doing that. As I stated previously, we are reacting to changes rather than planning for the future in a coherent and strategic manner. In my view, this is an extremely important problem as it limits our ability to create the conditions necessary for national economic growth and individual economic welfare.

As many of my colleagues know, the notion of a Pension Commission has been floated for many, many, many years, but we have never placed it high enough on our list of priorities to address it with purpose. I would argue that we can no longer afford the luxury of contemplation, and the time to act is now. Failure to adjust our existing policies to meet the challenges we face both now and in the future will result in several specific outcomes.

First, it will mean that many workers will see their retirement expectations dashed or disappointed. It will also likely mean that these individuals will be forced to rely on government sponsored programs that are themselves financially overextended. Finally, it will mean that the capacity of U.S. firms to compete in the global marketplace will be diminished. In my view, none of these outcomes are acceptable. We simply must become more thoughtful and pro-active.

The bill I introduce today has a number of provisions, but foremost among them is to establish an affordable, accessible, equitable, efficient, cost-effective, and easy to understand private pension plan system in the United States. It is designed to conduct a complete top-to-bottom evaluation of the current system and to develop practical recommendations as to how we can re-form it to serve the interests of employers, employees, and the entire nation as a whole.

This Commission will be composed of fifteen members, all with significant experience in areas related to retirement income policy. It is mandated that the activities of the Commission
will be concluded in a little over two years, with specific action to be provided to Congress so that we can act on their recommendations immediately.

To ensure that the activities of the Commission are not redundant or otherwise hindered, it will be allowed to secure data from any government agency or department dealing with retirement policy, and furthermore, may request details from these agencies and departments on a non-reimbursable basis. The Commission will also be allowed to hold hearings, take testimony, and receive evidence as appropriate from individuals who are able to contribute to this reform effort.

This bill has been created after detailed discussions with a number of individuals and organizations interested in retirement policy, from the Employee Benefits Research Institute, to the Center for Budget and Policy Priorities, to the Association of Private Pension and Welfare Plans. Although all of the organizations involved have their own perspective on how retirement policy issues should be addressed in the United States, I have made a concerted effort to make their concerns compatible in this legislation. Significantly, all endorse the goals of the bill, as does the American Academy of Actuaries, the Executive Committee of the New York State Bar Association, and the Chairman of the Special Commission on Pension Simplification of the New York State Bar Association, Mr. Alvin D. Lurie.

Mr. President, although there is much to recommend concerning our current pension system, it is common knowledge that this system is, in many instances, too complicated for participants to understand, too difficult for businesses to use, and too inaccessible for low and middle income workers. We have added layer upon layer of legislation, to the point that the system is not only unwieldy, but often of questionable purpose. We have reached the point that its complexity and inaccessibility is having a negative impact on individuals and businesses alike.

In my view, the status quo is no longer viable or acceptable. It is time to meet the challenge that faces us in a direct and strategic fashion. It is time to reform and simplify the system so that we have an effective mechanism that serves employers and employees alike and provides the means to guarantee all Americans income security in their retirement years.

Mr. President, the time to act is now. I ask my colleagues to recognize the importance of this legislation and lend their support for its passage.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD at the conclusion of my statement. I also ask that the letters of support from the American Academy of Actuaries, the Association of Private Pension and Welfare Plans be included in the RECORD immediately following my floor statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE. This Act may be cited as the “Pension Reform and Simplification Commission Act”.

SEC. 2. FINDINGS. Congress makes the following findings:

(1) The creation and implementation of an affordable, accessible, equitable, efficient, cost-effective, and easy to understand system is essential to the continuity and viability of the current private pension plan system in the United States.

(2) There is a near universal recognition in the United States that the laws that regulate our pension system have become unwieldy, complex, and burdensome, a condition that hinders the achievement of increased saving and economic growth and cannot be fixed by ad hoc improvements to ERISA and the Internal Revenue Code of 1986.

(3) Significant and effective improvement of laws can only be accomplished through a coordinated, comprehensive, and sustained effort to revise and simplify current laws by a high-level body of pension experts, whose recommendations are then transmitted to Congress.

(4) In recent years, the adoption of narrowly focused and increasingly complex statutes through amendment of the Employee Retirement Income Security Act of 1974 (in this Act referred to as “ERISA”) and the Internal Revenue Code of 1986 has impeded the efforts of employers and employees to save for their retirement and imposed significant challenges for businesses which consider establishing pension plans for their workforce.

(5) A high national savings rate can contribute significantly to the economic security of the Nation as it adds to available investment capital, fuels economic growth, and enhances productivity, competitiveness, and prosperity.

(6) The Federal Government can potentially focus on improving its savings rates through the implementation of policies that create an effective framework for the spread of voluntary retirement plans and the protection of the private assets held in those plans.

(7) Private pension plans have been, and remain, the single largest repository of private capital in the United States, strategic to and potentially a significant inducement for personal saving and investment.

(8) Pensions represent the only hope that most working Americans have for adequate supplement to social security benefits, and while the private pension system has been greatly improved since the establishment of ERISA, many employees who can often save adequately for their retirement, do not serve sufficiently the needs of low and moderate income workers.

(9) It is essential that all Americans, no matter what their income security level, have the opportunity to achieve income security in their retirement years. Currently, many tax and retirement incentives for private pension plans, while benefiting higher income workers, do not serve adequately for their retirement, do not serve sufficiently the needs of low and moderate income workers.

(10) The current pensions rules have tended to produce disparate coverage rates for low and moderate income workers.

(11) The failure of the Government to modify the current system so that many workers will be deprived of the options needed to save for their retirement and will, consequently, have their retirement expectations minimized or eliminated.

(12) The failure of the Government to reduce the burdens imposed by over-regulation and complexity on employers and pension plans will harm employees and their families.

(13) The failure of the Government to address the problems of the current private pension plans may erode the ability of United States companies to compete effectively in the international market and result in a decrease in the economic health of the Nation.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the “Pension Reform and Simplification Commission” (in this Act referred to as the “Commission”).

SEC. 4. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) study the strengths, weaknesses, and challenges involved in the regulation of the current private pension system;

(2) review and assess Federal statutes relating to the regulation of the current private pension system; and

(b)躍 recommendation in the law regarding the regulation of the current private pension system to mitigate the problems identified in subsection (b), with the goal of making the system more affordable, accessible, efficient, less costly, less complex, and, in general, to expand pension coverage.

(c) ISSUES TO BE STUDIED.—The Commission shall include in the study under subsection (a) a consideration of—

(1) the manner in which the current rules impact private pension coverage, how such coverage has changed over the last 25 years (since the enactment of ERISA), and reasons for such change;

(2) the primary burdens placed on small and medium businesses in the United States regarding administration of pension plans, especially how such burdens affect the tenuous position occupied by these organizations in the competitive market;

(3) the simplification of existing pension rules in order to eliminate undue costs on employers while providing retirement security to employees;

(4) the primary obstacles to employees in gaining optimum advantages from the current pension system, with particular attention to the small and medium sector and low and moderate income employees, including minorities and women;

(5) the feasibility of providing innovative design options to enable small and medium businesses to be relieved of complex and costly legislative and regulatory burdens in matters of adoption, operation, administration, and reporting of pension plans, in order to increase affordable and effective coverage in that sector, for low and moderate income employees, with emphasis on minorities and women;

(6) the means of leveling distribution of private pension plan coverage between high wage earners and low and moderate income workers;

(7) the feasibility of forward-looking reforms that anticipate the needs of small and medium businesses in the United States given the obstacles and opportunities of the new global economy, in particular issues related to the mobility and retention of skilled workers;

(8) how pension plan benefits can be made more portable;

(9) the means of achieving the expansion and adoption of pension plans by United States businesses; and

SEC. 5. REPORT.

The Commission shall report to Congress their findings and recommendations within two years of the date of enactment of this Act.
(10) the impact of expanding individual retirement account contribution limits and income limits on private pension plan coverage;

(11) the provision of innovative incentives that encourage more employers to use existing private pension plans;

(12) the impact of qualified plan contribution and benefit limits on coverage; and

(13) any proposals for major simplification of Federal legislation and regulation regarding qualified pension plans, in order to address identified problem areas identified under this subsection, with the goal of—

(A) strengthening the private pension system;

(B) expanding the availability, adoption, and retention of tax-favored savings plans by all Americans;

(C) eliminating rules that burden the pension system beyond the benefits they provide, for low and moderate income workers, including minorities and women, with specific emphasis on—

(i) eligibility and coverage;

(ii) contributions and benefits;

(iii) minimum distributions, withdrawals, and loans;

(iv) spousal and beneficiary benefits;

(v) portability between plans;

(vi) asset recapture;

(vii) plan continuation and termination;

(viii) income and excise taxation; and

(ix) reporting, disclosure, and penalties; and

(D) identification of the trade-offs involved in simplification under subparagraph (C).

(4) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the designation of the chairperson under section 5(d), the Commission shall transmit to the President and Congress a report containing—

(A) the issues studied under subsection (b);

(B) the results of such study;

(C) draft legislation and commentary under paragraph (2); and

(D) any other recommendations based on such study.

(2) LEGISLATIVE RECOMMENDATIONS.—The Commission shall develop draft legislation and associated explanations and commentary to achieve major simplification of Federal legislation regarding regulation of pension plans (including ERISA and the Internal Revenue Code of 1986) to implement any findings or recommendations of the study conducted under paragraph (b).

(3) RECOMMENDATIONS.—Any official findings or recommendations of the Commission shall be adopted by 2/3 of the members of the Commission.

(4) MINORITY VIEWS.—All findings and recommendations of the Commission formally proposed by any member of the Commission and not adopted under paragraph (3) shall also be included in the report.

SEC. 5. MEMBERSHIP OF THE COMMISSION; RULES; POWERS.

(a) COMPOSITION.—

(1) NUMBER.—The Commission shall be composed of 15 members, appointed not later than 45 days after the date of enactment of this Act.

(2) APPOINTMENTS.—The membership of the Commission shall be as follows:

(A) 3 individuals appointed by the President, after consultation with the Secretary of Labor and the Secretary of the Treasury, or their respective designees.

(B) 3 individuals appointed by the majority leader of the Senate.

(C) 3 individuals appointed by the minority leader of the Senate.

(D) 3 individuals appointed by the Speaker of the House of Representatives.

(E) 3 individuals appointed by the minority leader of the House of Representatives.

(b) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—Individuals appointed under subsection (a)(2) shall be individuals who—

(A) have experience in actuarial disciplines, law, economics, public policy, human relations, business, manufacturing, labor, multiemployer pension plan administration, human capital planning administration, or academia, or have other distinctive and pertinent qualifications or experience in retirement policy;

(B) are not inside the drafting process of statute or employees of the United States; and

(C) are selected without regard to political affiliation or past partisan activity.

(2) ORGANIZATION.—In the appointment of members under subsection (a), every effort shall be made to ensure that the individuals, as a group—

(A) are representatives of a broad cross-section of perspectives on private pension plans within the United States;

(B) have the capacity to provide significant analytical insight into existing obstacles and opportunities of private pension plans; and

(C) represent all of the areas of experience under paragraph (1)(A).

(3) TERMS; VACANCIES.—

(1) TERMS.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—In the appointment of members under subsection (a), every effort shall be made to ensure that the individual causing the vacancy is replaced by an individual who has the same qualifications as the individual who caused the vacancy.

(d) CHAIRPERSON; VICE CHAIRPERSON.—Not later than 60 days after the date of enactment of this Act, the President shall designate a chairperson and vice chairperson of the Commission.

(e) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in subparagraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular place of business in the performance of services as a member of the Commission.

(f) RULES OF THE COMMISSION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for the transaction of business, and the Commission may, except 5 members of the Commission may hold hearings, take testimony, or receive evidence.

(2) NOTICE.—Any meetings held by the Commission shall be duly noticed in the Federal Register at least 14 days prior to such meeting and shall be open to the public.

(3) OPPORTUNITIES TO TESTIFY.—The Commission shall provide opportunities for representatives of the general public, taxpayer groups, consumer groups, think tanks, and state and local government officials to testify.

(4) MEETINGS.—The Commission shall meet at the call of the chairperson of the Commission.

(5) OTHER RULES.—The Commission shall adopt such other rules as necessary.

(g) POWERS OF THE COMMISSION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Federal department or agency such materials, resources, data, and other information as the Commission considers necessary to carry out the provisions of this section. Upon request of the chairperson of the Commission, the head of such department or agency shall furnish such materials, resources, data, and other information to the Commission.

(b) COORDINATION OF RESEARCH INFORMATION.—The Commission shall ensure the effective use of such materials, resources, data, and other information and avoid duplicative research by coordinating and consulting with the head of the appropriate research department of—

(i) the Pension and Welfare Benefits Administration of the Department of Labor;

(ii) the Department of the Treasury;

(iii) the Social Security Administration;

(iv) the Small Business Administration;

(v) the Pension Benefit Guaranty Corporation;

(vi) the National Institute on Aging; and

(vii) private organizations which have conducted research in this area.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

(3) ACCEPTANCE OF GIFTS; GRANTS; AND GRANTS.—The Commission may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Commission. Gifts or grants not used at the expiration of the Commission shall be turned to the donor or grantor.

(4) CONTRACT AND PROCUREMENT AUTHORITY.—The Commission may make purchases, and may contract with and compensate government agencies or private organizations for property or services, without regard to—

(A) section 3709 of the Revised Statutes (41 U.S.C. 5); and

(B) title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(5) VOLUNTEER SERVICES.—Notwithstanding section 1942 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR; STAFF.—

(1) IN GENERAL.—The chairperson of the Commission may, without regard to civil service laws and regulations and after consultation with the Commission, appoint an executive director of the Commission and such other personal and services as may be necessary to enable the Commission to perform its duties.

(b) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of such title.

(b) STAFF OF FEDERAL AGENCIES.—Upon request by the chairperson of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any administrative support services that are necessary to enable the Commission to carry out this Act.

SEC. 7. TERMINATION.

The Commission shall terminate not later than 26 months after the date of enactment of this Act.
SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMERICAN ACADEMY OF ACTUARIES,


Hon. Jeff Bingaman, U.S. Senate, Washington, DC.

Dear Senator Bingaman: The American Academy of Actuaries would like to express its strong support for your idea of establishing a national commission on pension reform and simplification. The Academy has long advocated a comprehensive approach to pension policy. We believe the establishment of a bipartisan commission of experts that can analyze obstacles that weaken our private pension system and recommend a positive, practical first step.

The Academy also believes that slight modifications to your proposal would make the commission more effective.

The Academy commends you for recognizing that, because the laws that regulate our private pension system have become too complex, many employers are finding it difficult and expensive to set up defined-benefit plans. We strongly support the concept of a bipartisan commission of experts that will recommend specific ways to simplify the rules surrounding these benefit plans, thus encouraging employers to expand coverage to more workers.

The Academy believes that the commission called for in your proposal could be made more effective if Congress was required to have an up-or-down vote on its recommendations. Furthermore, we believe that, given the expertise available to the commission, it should be possible to formulate a result in 12–18 months, rather than the 24 months specified in your legislation. Finally, we would encourage the commission to examine pension changes in the context of a national retirement income policy, including Social Security, since major changes to the private pension system undoubtedly will affect Social Security.

The Academy believes that creation of a national commission will be a positive first step toward our mutual goal of increasing retirement security for all Americans. We strongly support the concept of a national retirement income policy, including Social Security, since major changes to the private pension system will undoubtedly affect Social Security.

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end the suffering and uncertainty that accompanies being uninsured.

Mr. President, I ask unanimous consent that statements and letters of support for this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF PATRICIA QUEZADA, JULY 21, 2000

Good morning. I am Patricia Quezada. I am a mother of three girls (ages 9, 8 and 5). I work as a part-time parent liaison at Weyanoke Elementary School in Fairfax, Virginia. My husband is a self-employed general contractor. Because my husband is self-employed and works part-time, our family does not have access to health insurance through our jobs.

In the past, we were able to purchase private insurance that covered our family. But, in recent times, our family has been unable to afford the high rates because it came down to either paying for our home, transportation and other necessities—including food—or purchasing this costly insurance. On two occasions, the coverage was cancelled because we were unable to meet the payments, which I had to require in advance.

It was such a relief that my children are now able to receive coverage through Medicaid and CHIP, Virginia's SCHIP Program. (As a parent, part of my job has been to help other families sign up their children for health insurance.) I feel extremely fortunate that my children are now covered in case of an illness or accident, however I continue to fear what could happen if my husband or I fall sick or have an injury. While we both do our best to take care of our health, we understand it is important to have health insurance coverage if we should need it.

Thank you.

CHILDREN’S DEFENSE FUND,
WASHINGTON, DC, JULY 21, 2000.

HON. EDWARD M. KENNEDY,
U.S. SENATE, WASHINGTON, DC.

DEAR SENATOR KENNEDY: We are taking this opportunity to thank you for introducing the “FamilyCare Act of 2000” and express the strong support of the Children’s Defense Fund for this bipartisan initiative to provide and strengthen health care coverage for uninsured children and their parents.

Building on the successes of Medicaid and the Children’s Health Insurance Program (CHIP), this legislation will increase coverage for uninsured children, provide funding for health insurance coverage for the uninsured parents of Medicaid and CHIP-eligible children, and simplify the enrollment process for Medicaid and CHIP to make the programs more family friendly.

We want to extend our appreciation to Senators Chafee, Collins, Daschle, Lautenberg, Rockefeller, and Snowe for co-sponsoring this legislation in the Senate and to Representatives Dingell, Stark, and Waxman for taking the lead on this proposal in the House. We are looking forward to working with you for passage of the FamilyCare Act of 2000.

Sincerely,

GERO HAIPLEY,
DEPUTY DIRECTOR FOR HEALTH DIVISION.

NATIONAL ASSOCIATION OF CHILDREN’S HOSPITALS,

HON. EDWARD KENNEDY,
U.S. SENATE, WASHINGTON, DC.

DEAR SENATOR KENNEDY: On behalf of the National Association of Children’s Hospital (N.A.C.H.), which represents over 100 children’s hospitals nationwide, I want to express our strong support for your introduction of the “FamilyCare Act of 2000.”

As providers of care to all children, regardless of their economic status, children’s hospitals devote nearly half of their patient care to children who rely on Medicaid or are uninsured. Our concern is for their patient-care to children with chronic and congenital conditions. These hospitals have extensive experience in assisting families to enroll their children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of children.

In particular, N.A.C.H. appreciates and strongly supports your efforts to simplify and coordinate the application process for SCHIP and Medicaid, as well as to provide new tools for states to use in identifying and enrolling families. In addition, N.A.C.H. applauds your provisions that set a higher bar for covering children by: (1) requiring states to first cover children up to 200% of poverty and eliminating waiting lists in the SCHIP program before covering parents; and (2) redefining eligibility for families who lose coverage under Medicaid or SCHIP to be automatically screened for other avenues of eligibility and found eligible, enrolled immediately in that program.

N.A.C.H. also supports your legislation’s provision to give states additional flexibility under SCHIP and Medicaid to cover legal immigrant children with high proportions of uninsured children, such as California, Texas and Florida, the federal government’s bar on coverage of legal immigrant children helps contribute to the fact that Hispanic children represent the highest rate of uninsured children of all major racial and ethnic minority groups. Your provisions to ensure coverage of all immigrant children would be extremely useful in improving this situation.

N.A.C.H. greatly appreciates all that you have done throughout your years of service, and continue to do, to provide all children with the best possible chance at starting out and staying healthy. We welcome and look forward to working with you to pass the “FamilyCare Act of 2000.”

Sincerely,

LAWRENCE A. McANDREWS,
MARCH OF DIMES,
BIRTH DEFICITS FOUNDATION,
WASHINGTON, DC, JULY 21, 2000.

HON. EDWARD KENNEDY,
U.S. SENATE, WASHINGTON, DC.

DEAR SENATOR KENNEDY: On behalf of more than 3 million volunteers and 1600 staff members of the March of Dimes, I want to commend you for introducing the “FamilyCare Act of 2000.” The March of Dimes is committed to increasing access to appropriate and affordable health care for women, infants and children and supports the targeted approach to the Children’s Health Insurance Program contained in the FamilyCare proposal.

The “FamilyCare Act of 2000” contains a number of beneficial provisions that would expand and improve SCHIP. The March of Dimes strongly supports giving states the option to cover low-income pregnant women in Medicaid and SCHIP programs with an enhanced matching rate. We understand that FamilyCare would allow states to cover uninsured parents of children enrolled in Medicaid and SCHIP. SCHIP is the only major federally-funded program that denies coverage to pregnant women while providing health insurance to children. We know prenatal care improves birth outcomes. Expanding health insurance coverage for low-income pregnant women has bipartisan support in both the House and Senate.

The March of Dimes also supports FamilyCare provisions to require automatic screening of every child who loses coverage under Medicaid or SCHIP to ensure that children continue to receive appropriate health care while they seek new coverage in SCHIP or Medicaid. FamilyCare would also ensure that families lose coverage under Medicaid or SCHIP to be automatically screened for other avenues of eligibility and found eligible, enrolled immediately in that program.

The March of Dimes also encourages states to adopt the option to provide Medicaid and SCHIP benefits to children and pregnant women who arrived legally to the United States after August 23, 1996, and to people ages 19 and 20.

We thank you for your leadership in introducing the “FamilyCare Act of 2000” and are eager to work with you to achieve approval of this much needed legislation.

Sincerely,

ANNA ELEANOR ROOSEVELT,
VICE CHAIR, BOARD OF TRUSTEES,
PUBLIC AFFAIRS COMMITTEE.

DR. JENNIFER L. HOWSE,
PRESIDENT.

ASSOCIATION OF MENTAL AND CHILD HEALTH PROGRAMS,
WASHINGTON, DC, JULY 20, 2000.

HON. EDWARD KENNEDY,
U.S. SENATE, WASHINGTON, DC.

DEAR SENATOR KENNEDY: On behalf of the Association of Maternal and Child Health Programs (AMCHP), I am writing to express our support of the FamilyCare Act of 2000. We are particularly supportive of the provisions that allow states to include pregnant women in their SCHIP and Medicaid programs.

We are also pleased with the provisions giving states the flexibility to expand outreach activities, as well as moving towards greater equity in program payments.

AMCHP represents state officials in 59 states and territories who administer public health programs aimed at improving the health of all women, children, and adolescents. In 1997, over 22 million women, children, adolescents and children with special health care needs received services, which were supported by the Maternal and Child Health Block Grant.

We look forward to working with you and your staff on this bill.

Sincerely,

DEBORAH DIETRICH,
DIRECTOR OF LEGISLATIVE AFFAIRS.

AMERICAN DENTAL HYGIENISTS’ ASSOCIATION,
WASHINGTON, DC, JULY 24, 2000.

HON. EDWARD M. KENNEDY,
HON. JAY ROCKEFELLER,
U.S. SENATE, WASHINGTON, DC.

DEAR SENATORS KENNEDY AND ROCKEFELLER: On behalf of the American Dental Hygienists’ Association (ADHA), I write to express ADHA’s support for the provisions exposed in the Family Care Act of 2000. This legislation is an important step toward the goal of meaningful health insurance coverage, including oral health insurance coverage, for all children and their parents.

Regrettably, there is room for much improvement in our children’s oral health, a fundamental part of total health. Studies show that oral disease currently afflicts the majority of children in our country. Dental caries (tooth decay), gingivitis, and periodontitis (gum and bone disorders) are the most common oral diseases. The Public Health Service reports that 50% of all children in the United States caries in their permanent teeth and two-thirds experience gingivitis.
The percentages of children with dental disease are likely far higher for the traditionally underserved Medicaid-eligible population and for those eligible for the State Children’s Health Insurance Program (SCHIP). For example, one of the most severe forms of gum disease—localized juvenile periodontitis—disproportionately affects teenaged girls and young males and can result in the loss of all teeth before adulthood. If untreated, gum disease causes pain, bleeding, loss of function, diminished appearance, possible systemic infections, bone deterioration and eventual loss of teeth. Yet, each of the three most common oral health disorders—dental caries, gingivitis, and periodontitis—can be prevented through the type of regular preventive care provided by dental hygienists.

Despite the known benefits of preventive oral health services and the inclusion of oral health benefits in Medicaid’s Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program, only one in 5 (4.2 million out of 21.2 million) Medicaid-eligible children actually received preventive oral health services in 1993 according to a 1996 U.S. Department of Health and Human Services report on children’s Dental Services Under Medicaid: Access and Utilization. The nation simply must improve access to oral health care in order to address this critical gap, and your legislation is an important building block for all who care about our children’s oral health, a fundamental part of general health and well-being.

We look forward to working toward our shared goal of health insurance coverage for all of our nation’s families. Please feel free to call upon me or ADHA’s Washington Counsel, Karen Sealand of McDermott, Will & Emery (202–756–8024), at any time.

Sincerely,

STANLEY B. PECK, 
Executive Director.

PREAMER INC.,
Washington, DC, July 21, 2000

Hon. EDWARD M. KENNEDY, 
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: On behalf of Premier Inc., I am writing to applaud your introduction of the “FamilyCare Act of 2000” and express our support. Premier Inc. is a strategic alliance of leading not-for-profit hospitals and health systems across the nation. Premier provides group purchasing and other services to more than 1,800 hospitals and healthcare facilities.

As reported by the Urban Institute in the July/August issue of Health Affairs, the population of non-elderly uninsured grew by 4.2 million between 1994 and 1998. This hike in the rate of uninsured occurred among children and adults. In the same period, Medicaid enrollment fell from 10 to 8.4 percent, or about 3.1 million persons (1.9 million children and 1.2 million adults). Your legislation confronts and seeks to address these disturbing trends head on.

The Family Care Act of 2000 not only expands coverage to children—it also enables states to provide health insurance to parents of children enrolled in CHIP and Medicaid.

The bill creates new opportunities for states to cover immigrant children and pregnant women, and provides for the automatic coverage of children born to CHIMP-enrolled parents, thereby enhancing presumptive eligibility.

This legislation provides for the mutual reinforcement of the Medicaid and CHIP programs by integrating eligibility determinations and outreach efforts. A standard application form and simple enrollment process for both programs will raise the participation rate for both programs. Finally, the bill provides grants to support broader outreach activities and employer subsidies to offer health insurance packages, thereby encouraging joint public-private market innovations to reduce the rate of uninsured.

Stifling the growth in the rate of uninsured and reversing the trend remain a top priority for the hospital community. Securing the appropriate level of health care for these individuals will improve the quality and cost-effectiveness of further care, as the uninsured are more likely to be hospitalized for complications that, initially, could have been managed with physician care and/or medication.

Thank you for taking the lead in addressing the problem of America’s uninsured. We look forward to working with you toward enactment of this important legislation.

Sincerely,

KERK KUHN, 
Vice President, Advocacy.

FAMILIES USA,
Washington, DC, July 17, 2000

Hon. EDWARD M. KENNEDY, 
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We congratulate you on the introduction of your bill, the Family Care Act of 2000, which gives states the opportunity to extend children enrolled in the Medicaid and CHIP programs with health insurance. We believe that your bill is a crucial next step in addressing the problem of our nation’s uninsured, and we offer our unequivocal support.

By covering parents through CHIP, the Family Care Act could provide health insurance to over four million previously uninsured Americans. We believe this is a cost-effective and efficient way to provide quality health care to low-income working families. Children of CHIP-enrolled parents will be automatically enrolled at birth, but, equally importantly, research has shown that children are more likely to have health coverage when their parents are insured. This means that the Family Care Act could, in effect, cover many more Americans than the estimated four million. Additionally, the expansion of coverage to legal immigrant children and pregnant women addresses the needs of two particularly vulnerable groups.

Again, we applaud your ongoing leadership in tackling the problem of the uninsured, and we support this important legislation. If you choose to use these laws, we can help you to enact this bill into law.

Sincerely,

RONALD F. POLLACK, 
Executive Director.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, July 21, 2000

Hon. EDWARD M. KENNEDY, 
U.S. Senate,
Washington, D.C.

Ranking Member, Committee on Health, Education, Labor, and Pensions, U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The American Hospital Association (AHA), which represents 5,000 hospitals, health care systems, networks, and other providers of care, is pleased to support the FamilyCare Act of 2000. The AHA shares your goal of expanding access to health care coverage for the 44 million uninsured Americans. We believe the federal budget surplus offers a unique opportunity to fund solutions to the health care problems of the uninsured.

Recent studies and the creation of the State Children’s Health Insurance Program (SCHIP) have greatly improved access to health care coverage for millions of children living in low-income families. But more needs to be done. AHA strongly supports the objective of your legislation that embraces, as one option to address the problems of the uninsured, building on existing public programs to expand coverage to the parents of the children covered by CHIP.

Furthermore, your provisions that include coverage for legal immigrants, improve Medicaid and CHIP coverage for those transitioning from welfare-to-work, and create state initiatives to encourage market innovation in health care insurance are to be applauded. AHA believes these are good first steps toward lowering the numbers of the uninsured.

In addition to expanding public programs, AHA supports measures that make health care more affordable for low-income working families. Toward that end, AHA also supports H.R. 4113, bipartisan legislation establishing refundable tax credits to assist low-income families in the purchase of health care insurance.

Our nation’s hospitals see every day that the absence of health care coverage is a significant barrier to care, reducing the likelihood that people will get appropriate preventive, diagnostic and chronic care. With the uninsured growing in numbers, AHA supports your effort to build on current public programs as an important option to make it possible for more low-income families to get needed health care. We look forward for your leadership and we look forward to working with you on advancing the FamilyCare Act of 2000.

Sincerely,

RICK POLLACK, 
Executive Vice President.

NETWORK, 

From NETWORK—A National Catholic Social Justice Lobby

Reply: The Family Care Act of 2000

Hon. SENATOR TED KENNEDY: Since 1975, NETWORK: A National Catholic Social Justice Lobby has worked for universal access to affordable, quality health care. NETWORK considers the constant increase in the number of uninsured persons a national disgrace and a serious moral and ethical issue. Sadly, the political will to reform the nation’s fragmented system of health care is seriously lacking in the current climate of commercialization and profit-making. Millions of otherwise healthy Americans are denied their human right to medical care.

Given that as the context, NETWORK supports the efforts of those legislators who recognize that the anticipated federal surplus should be utilized in part to rectify the serious flaws inherent in the present situation. The Family Care Act of 2000 is one of those efforts. NETWORK urges Congress to pass the proposal.

The goal of the bill is to build on existing legislation in order to enroll more uninsured children and their working parents in Medicaid or CHIP. The bill requires that states first cover children up to 200% of poverty before they enroll parents. This will serve to increase coverage of previously eligible but uninsured children by eliminating the CHIP waiting lists. It is estimated that over 4 million previously uninsured children will be enrolled.

The proposal targets $50 billion in new money to enable the states to enroll the parents of children already enrolled in Medicaid or CHIP. This would reduce the number of uninsured parents by an estimated 6.5 million, one out of seven of the nation’s uninsured. About 75% of these families have at least one member who works.

In addition, the bill proposes another $100 million per year for five years to encourage the development of innovative approaches to expanding coverage, tailoring their solutions to market needs. Much needed is the...
The Internet False Identification Prevention Act of 2000 will strengthen current laws to prevent the distribution of false identification documents over the Internet and make it easier for Federal officials to prosecute this criminal activity.

The high quality of the counterfeit identification documents that can be obtained via the Internet is simply astounding. With very little difficulty, my staff was able to use Internet materials to manufacture convincing IDs that would allow me to pass as a member of our Armed Forces, as a reporter, as a student at Boston University, or as a licensed driver in Florida, Michigan, and Wyoming—to name just a few of the identities that I could assume, using these phony IDs. We found it was very easy to manufacture IDs that were indistinguishable from the real documents.

For example, using the Internet, my staff created this counterfeit Connecticut driver’s license for me. It is virtually identical to an authentic license issued by the Connecticut Department of Motor Vehicles. Just like the real Connecticut license, this fake with my picture on it, includes a signature written in the picture. The product is supposed to be a security feature. It includes an adjacent “shadow picture,” and it includes the bar code and the State seal for the State of Connecticut.

Each of these sophisticated features was added to the license by the State of Connecticut in order to make it more difficult to counterfeit. Yet the Internet scam artists have been able to keep up with the technology, and every time a State adds another security feature it has been easily duplicated.

Unfortunately, some web sites sell fake IDs complete with State seals, holograms, and bar codes to replicate a license virtually indistinguishable from the real thing. Thus, technology now allows web site operators to copy authentic IDs with an extraordinary level of sophistication and then distribute and mass produce these fraudulent documents for their customers.

The web sites investigated by my subcommittee offered a vast and varied product line, ranging from the driver’s licenses that I already showed to military identification cards to Federal agency credentials, including those of the FBI and the CIA.

What we found is that the State of Connecticut is not the only State with a false ID problem. The General Accounting Office and the FBI have both confirmed the findings of the subcommittee’s investigation of this dangerous new trend. The GAO used counterfeit credentials and badges readily available for purchase via the Internet to breach the security at the FBI’s headquarters and two commercial airports. GAO’s success in doing so demonstrates that the Internet and computer technology allow...
nearly anyone to create convincing identification cards and credentials.

The FBI has also focused on the potential of misuse of official identification, and just last month executive search warrants at the homes of several individuals who had been selling Federal law enforcement badges over the Internet.

Obviously, this is very serious. It allows someone to use a law enforcement badge to gain access to secure areas and perhaps to commit harm. For example, the FBI is investigating a very disturbing incident where someone allegedly displayed phony FBI credentials to gain access to an individual’s hotel room and then allegedly later kidnapped and murdered that individual.

The Internet is a revolutionary tool of commerce and communications that benefits us all, but many of the Internet's greatest attributes also further its use for criminal purposes. While the methods the ID criminals use may be changing, it is certainly nothing new, the Internet allows those specializing in the sale of counterfeit IDs to reach a far broader market of potential buyers than they ever could by standing on the street corner in a shady part of town. They can sell their products with virtual anonymity through the use of e-mail services and free web hosting services and by providing false information when registering their domain names. Similarly, the Internet allows criminals to obtain fake IDs in the privacy of their own homes, substantially diminishing the risk of apprehension that attends purchasing counterfeit documents on the street.

Because this is a relatively new phenomenon, there are no good data on the size of the false ID industry or the growth it has experienced as a result of the Internet, but the testimony at our hearing indicates that the Internet is increasingly becoming the source of choice for criminals to obtain false IDs.

The subcommittee’s investigation found that some web site operators apparently have made hundreds of thousands of dollars through the sale of phony identification documents. One web site operator told a State law enforcement official that he sold approximately 1,000 fake IDs each month and generated about $600,000 in annual sales.

Identify theft is a growing problem that these Internet sites facilitate. Fake IDs, however, also facilitate a broad array of criminal conduct. We found that some Internet sites were used to obtain counterfeit identification documents. In the pursuit of the purposes of committing other crimes, ranging from very serious offenses, such as identify theft and bank fraud, ranging to the more common problem of teenagers using phony IDs to buy alcohol.

The legislation which Senator Duren and I are introducing today is designed to address the problem of counterfeit IDs in several ways. The central features of our legislation are provisions that modernize existing law to address the widespread availability of false identification documents on the Internet.

First, the legislation supplements current Federal law against false identification to modernize it for the Internet age. The primary law prohibiting the use and distribution of false identification documents was enacted in 1982. Advances in computer technology and the use of the Internet have rendered that law inadequate. This bill will clarify that the current law prohibits the sale or distribution of false identification documents through computer files and templates which our investigation found are the vehicles of choice for manufacturing false IDs in the Internet age.

Second, the legislation will make it easier to prosecute those criminals who manufacture, distribute, or sell counterfeit identification documents by ending the practices of easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of novelty.

What we found is that a lot of these web sites have these disclaimers, in an attempt to get around the law, saying that these can only be used for entertainment or novelty purposes. No longer will it be acceptable to provide computer templates of government-issued identification cards containing an easily removable layer saying it is not a government document.

I will give an example, this is a driver’s license from Oklahoma. It is a fake ID which my staff obtained via the Internet. It is enclosed in a plastic pouch that says “Not a Government Document” in red print across it, but it was very easily removed. All one had to do, with a snip of the scissors, was cut the pouch, and then the ID is easily removed and the disclaimer is gone. That is the kind of technique that a lot of times these web site operators use to get around the letter of the law. Under my bill, it will no longer be acceptable to sell a false identification document in this fashion.

Finally, my legislation seeks to encourage more aggressive law enforcement by dedicating investigative and prosecutorial resources to this emerging problem. The bill establishes a wulliance that will concentrate the investigative and prosecutorial resources of several agencies with responsibility for enforcing laws that criminalize the manufacture, sale, and distribution of counterfeit identification documents.

Our investigation established that Federal law enforcement officials have not devoted the necessary resources and attention to this serious problem. By prosecuting the purveyors of false identification materials, I believe that it ultimately can reduce end-use crime that often depends on the availability of counterfeit identification. For example, the convicted felon who testified at our hearings said that he would not have been able to commit bank fraud had he not been able to easily and quickly obtain high-quality fraudulent identification documents via the Internet. I am confident that if Federal law enforcement officials prosecute the purveyors of that law, the false ID industry on the Internet will wither in short order.

By strengthening the law and by focusing our prosecutorial efforts, I believe we can curb the widespread availability of false IDs via the Internet facilities. The Director of the U.S. Secret Service testified at our hearing that the use of such fraudulent documents and credentials almost always accompanies the serious financial crimes they investigate. Thus, my hope is that the legislation we are introducing today will produce a stronger law that will help deter and prevent criminal activity, not only in the manufacture of false IDs but in other areas as well.

By Mr. THURMOND:

Mr. THURMOND, Mr. President, I am pleased to rise today to introduce the Men's Health Act of 2000. This legislation will establish an Office of Men’s Health within the Department of Health and Human Services to monitor, coordinate, and improve men’s health in America.

Mr. President, there is an ongoing, increasing and predominantly silent crisis in the health and well-being of men. Due to a lack of awareness, poor health education, and culturally induced behavior patterns in their work and personal lives, men’s health and well-being are deteriorating steadily. Heart disease, stroke, and various cancers continue to be major areas of concern as we look to enhance the quality and duration of men’s lives. Improved education and preventive screening are imperative to meet this objective.

Mr. President, as a lifelong advocate of regular medical exams, daily exercise and a balanced diet, I feel strongly that an Office of Men’s Health should be established to help improve the overall health of America’s male population.

This legislation is identical to a bill introduced earlier this year in the House of Representatives. I invite my colleagues to join me in supporting this measure. I ask unanimous consent that a copy of the ‘Bill in the House of Representatives’ be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2925

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 “Men’s Health Act of 2000”.

SEC. 2. FINDINGS.
Congress makes the following findings:

(1) There is a silent health crisis affecting the health and well-being of America’s men.

(2) This health crisis is of particular concern to — and also a concern for — women, and especially to those who have fathers, husbands, sons, and brothers.

(3) Men’s health is likewise a concern for employers and productive employees as well as pay the costs of medical care, and is a concern to State government and society which absorb the enormous costs of pre-mature death and disability, including the costs of caring for dependent left behind.

(4) The life expectancy gap between men and women has steadily increased from 1 year in 1920 to 7 years in 1990.

(5) Almost twice as many men than women die from heart disease, and 28.5 percent of all men die as a result of stroke.

(6) In 1995, blood pressure of black males was 55 percent higher than that of white males, and the death rate for stroke was 97 percent higher for black males than for white males.

(7) The incidence of stroke among men is 19 percent higher than for women.

(8) Significantly more men than women are diagnosed with cancer each year.

(9) Fifty percent more men than women die of cancer.

(10) Although the incidence of depression is higher in women, the rate of life-threatening depression is higher in men, with men representing 80 percent of all suicide cases, and with men 43 times more likely to be admitted to psychiatric hospitals than women.

(11) Prostate cancer is the most frequently diagnosed cancer in the United States among men, accounting for 36 percent of all cancer cases.

(12) An estimated 180,000 men will be newly diagnosed with prostate cancer this year alone, of which 37,000 will die.

(13) Prostate cancer rates increase sharply with age, and more than 75 percent of such cases are diagnosed in men age 65 and older.

(14) The incidence of prostate cancer and the mortality rate in African American men is twice that in white men.

(15) Studies show that are at least 25 percent less likely than women to visit a doctor and significantly less likely to have regular physician check-ups and obtain preventive screening tests for serious diseases.

(16) Appropriate use of tests such as prostate specific antigen (PSA) exams and blood pressure, blood sugar, and cholesterol screens, in conjunction with clinical exams and self-testing, can result in the early detection of many problems and in increased survival rates.

(17) Educating men, their families, and healthcare workers about the importance of early detection of male health problems can result in reducing rates of mortality for male-specific diseases, as well as improve the health of America’s men and its overall economic well-being.

(18) Recent scientific studies have shown that regular medical exams, preventive screenings, regular exercise, and healthy eating habits can help save lives.

(19) Establishing an Office of Men’s Health is needed to investigate these findings and take appropriate actions as may be needed to promote men’s health.

SEC. 3. ESTABLISHMENT OF OFFICE OF MEN’S HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following section:

“OFFICE OF MEN’S HEALTH

SEC. 1711. The Secretary shall establish within the Department of Health and Human Services an office to be known as the Office of Men’s Health, which shall be headed by a director appointed by the Secretary. The Secretary, acting through the Director of the Office, shall coordinate and promote the status of men’s health in the United States.”

By Mr. BINGAMAN:
S. 2926. A bill to amend title II of the Social Security Act to provide that an individual’s entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person’s entitlement to benefits for that month) and that such individuals’ benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual’s death; to the Committee on Finance.

THE SOCIAL SECURITY FAMILY RELIEF ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce the Social Security Family Relief Act, which is legislation designed to both revise current Social Security law and assist families living in New Mexico and across the United States.

For those of my colleagues who are not familiar with this issue, at present the Social Security Administration pays benefits in advance, and, thus, a check is issued to individuals who have worked over the years and have paid into the Social Security Trust Fund all that time, these folks have earned Social Security benefits and should receive them in full for the period that they are alive. Social Security law should be written in such a way that allows the surviving spouse or family member to use the final check to take care of the remaining expenses, whether they be utilities, medical bills, payment of rent, health care, or whatever needs to be taken care of.

But although my constituents are sometimes critical of the Social Security Administration on this issue, in fairness that agency did not create this problem. Congress did. We wrote the law, and the Social Security Administration merely implements it. Any responsibility for what is happening belongs to us. We need to fix the law so that the Social Security Administration can do its job better.

It is my understanding that this issue has been discussed in the past by a number of Senators, but the revisions have gone nowhere because some felt it would impose an administrative burden on the Social Security Administration. I find this argument to be unconvincing as we clearly find a way to calculate complex equations that ultimately benefit that agency. There are those that now argue tracking down appropriate beneficiaries would be difficult. But I find this to be quite unconvincing as well—after all, we do it already when someone dies. Surely there is a way to make the changes necessary. Surely the technology and expertise already exists. Surely it is time to stop making excuses and do what is right for Americans and their families.

The legislation I am introducing today is easy and it is unburdening. The legislation says, quite simply, that an individual’s entitlement to Social Security benefits shall continue through the month of his or her death, and after Administration that this person had expenses that had to be paid for after they had died. No recognition on the part of the Social Security Administration that the surviving relatives had their own bills to pay, and that this additional expense imposed a burden on those that was difficult to manage. The Social Security Administration said that this is an administrative burden they did not create.

My constituents found this to be absurd. Why, they asked, should they have to return a check for a relative that was alive, was accumulating expenses while she was alive, and that was earned funds that was provided to her? Why, they asked, should they be required to pay for the relative’s expenses when money should be available? Why should their emotional suffering be made all the more distressful by the addition of financial obligations not of their own making?

I think these are good questions, and it is logical that Congress address them directly and in a manner that solves the problem at hand. From what I can see, we are simply required to track down those that now argue that tracking down appropriate beneficiaries would be difficult. But I find this to be quite unconvincing as well—after all, we do it already when someone dies. Surely there is a way to make the changes necessary. Surely the technology and expertise already exists. Surely it is time to stop making excuses and do what is right for Americans and their families.

The legislation I am introducing today is easy and it is unburdening. The legislation says, quite simply, that an individual’s entitlement to Social Security benefits shall continue through the month of his or her death, and after
that individual's death. The entitlement shall be calculated in a manner proportionate to the days he or she was still alive. In other words, we are using a method of pro-rating to calculate what portion of the entitlement that individual will receive for the last month. Then, instead of being asked to return that final check, the surviving spouse or appropriate surviving family members will receive a check, which can then be used to settle the decedent's remaining expenses. I think this is a fair and reasonable approach to solving the problem at hand. And I think it is long overdue. It is my understanding that another bill addressing this problem has been introduced in the Senate by my colleague Senator Mikulski. Furthermore, she has introduced this legislation for several years in a row. I commend her for her awareness of this problem and her ongoing efforts to fix it.

That said, it is also my understanding that her bill as written calculates these entitlement benefits on a half-month basis. In other words, if you die before the 15th, you get benefits for a half a month. If you die after the 15th, you are entitled to benefits for the entire month. To be honest, I see no obvious rationale for addressing the problem in this way, and I find a pro-rata strategy to be far more compelling. But this said, I look forward to working with her and her co-sponsors to reform the program. We clearly have the same concerns.

Mr. President, let me state in conclusion that this legislation represents only a partial fix of the current Social Security system. There is no doubt in my mind that much more needs to be done. We have talked about the issues far too long, and it is time to make a serious effort to make the Social Security system solvent and effective. If and had my way, this effort would begin tomorrow. But as another amendment to this legislation can be considered one small but very important step on the path to reform.

Mr. President, I ask unanimous consent that a copy of the legislation be included in the RECORD at the conclusion of my statement.

Thank you, Mr. President, and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2926

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 "Social Security Family Relief Act".

SEC. 2. CONTINUATION OF BENEFITS THROUGH MONTH OF BENEFICIARY'S DEATH.

(a) OLD-AGE INSURANCE BENEFITS.—Section 202(a)(1) of the Social Security Act (42 U.S.C. 402(a)) is amended by striking "the month preceding" in the matter following subparagraph (B).

(b) WIDOW'S INSURANCE BENEFITS.—

(1) In General.—Section 202(b)(1) of such Act (42 U.S.C. 402(b)(1)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii) and inserting "and ending with the month in which she dies or (if earlier) with the month;"

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(2) CONFORMING AMENDMENTS.—Section 202(b)(5)(B) of such Act (42 U.S.C. 402(b)(5)(B)) is amended by striking "(E), (F), (H), (J) and inserting "(E), (G), or (J)."

(c) HUSBAND'S INSURANCE BENEFITS.—

(1) In General.—Section 202(c)(1) of such Act (42 U.S.C. 402(c)(1)) is amended—

(A) by striking "and ending with the month" in the matter immediately following clause (ii) and inserting "and ending with the month in which he dies or (if earlier) with the month;"

(B) by striking subparagraph (E); and

(C) by redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(2) CONFORMING AMENDMENTS.—Section 202(c)(5)(B) of such Act (42 U.S.C. 402(c)(5)(B)) is amended by striking "(E), (F), (H), or (J)" and inserting "(E), (G), or (J)."

(d) CHILD'S INSURANCE BENEFITS.—Section 202(d)(1) of such Act (42 U.S.C. 402(d)(1)) is amended—

(1) by striking "and ending with the month" in the matter immediately preceding subparagraph (D) and inserting "and ending with the month in which such child dies or (if earlier) with the month;" and

(2) by striking "dies, or" in subparagraph (D).

(e) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: her remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which she dies or (if earlier) with the month preceding the first month in which she remarries or".

(f) WIDOWER'S INSURANCE BENEFITS.—Section 202(e)(1) of such Act (42 U.S.C. 402(e)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: he remarries, dies," in the matter following subparagraph (F) and inserting "ending with the month in which he dies or (if earlier) with the month preceding the first month in which he remarries or".

(g) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(1) of such Act (42 U.S.C. 402(g)(1)) is amended—

(1) by inserting "with the month in which he or she dies or (if earlier) after "and ending" in the matter following subparagraph (F); and

(2) by striking "he or she remarries, or he or she dies" and inserting "or he or she remarries."

(h) PARENT'S INSURANCE BENEFITS.—Section 202(h)(1) of such Act (42 U.S.C. 402(h)(1)) is amended by striking "ending with the month preceding the first month in which any of the following occurs: such parent dies, remarries," in the matter following subparagraph (E) and inserting "ending with the month in which such parent dies or (if earlier) with the month preceding the first month in which such parent remarries, or such parent;"

(i) DISABILITY INSURANCE BENEFITS.—Section 202(g)(1) of such Act (42 U.S.C. 402(g)(1)) is amended by striking "the month preceding" in the matter following subparagraph (E) and inserting "the month in which such parent dies or (if earlier) with the month preceding the first month in which such parent remarries, or such parent;"

(j) MONTHLY PAYMENT. —

(1) Payment of such benefit for such month shall be made as provided in section 204(d).

(2) Other adjustments with respect to such benefit shall be made as provided in section 204(d).

(k) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228(a) of such Act (42 U.S.C. 422(a)) is amended by striking "the month preceding" in the matter following paragraph (4).

SEC. 3. COMPUTATION AND PAYMENT OF LAST MONTHLY PAYMENT.

(a) OLD-AGE AND SURVIVORS INSURANCE BENEFITS.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by striking at the end the following new subsection:

"(j) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

(I) the amount of such benefit (as determined without regard to this subsection), multiplied by—

(II) a fraction —

(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

(B) the denominator of which is the number of days of such month in which the individual died, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d)."

(b) DISABILITY INSURANCE BENEFITS.—Section 202 of such Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"(j) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

(I) the amount of such benefit (as determined without regard to this subsection), multiplied by—

(II) a fraction —

(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

(B) the denominator of which is the number of days of such month in which the individual died, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d)."

(c) BENEFITS AT AGE 72 FOR CERTAIN UNINSURED INDIVIDUALS.—Section 228 of such Act (42 U.S.C. 422) is amended by adding at the end the following new subsection:

"(j) The amount of any individual's monthly benefit under this section paid for the month in which the individual dies shall be an amount equal to—

(I) the amount of such benefit (as determined without regard to this subsection), multiplied by—

(II) a fraction —

(A) the numerator of which is the number of days in such month preceding the date of such individual's death, and

(B) the denominator of which is the number of days of such month in which the individual died, rounded, if not a multiple of $1, to the next lower multiple of $1. This subsection shall apply with respect to such benefit after all other adjustments with respect to such benefit provided by this title have been made. Payment of such benefit for such month shall be made as provided in section 204(d)."
Payment of such benefit for such month shall be made as provided in section 204(d)."

SEC. 4. DISREGARD OF BENEFIT FOR MONTH OF DEATH UNDER FAMILY MAXIMUM PROVISIONS.

Section 203(a) of the Social Security Act (42 U.S.C. 403(a)) is amended by adding at the end the following new paragraph:

"(10) Notwithstanding any other provision of this Act, in applying the preceding provisions of this subsection (and determining maximum family benefits under column V of the table in or deemed to be in section 215(a) as in effect in December 1978) with respect to the month in which the insured individual's death occurs, the benefit payable to such individual for that month shall be disregarded.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

By Mr. FEINGOLD:

S. 2927. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

THE PUBLIC SAFETY ACT

Mr. FEINGOLD. Mr. President, sending inmates to prisons built and run by private companies has become a popular way to deal with overcrowded prisons, but in recent years this practice has been appropriately criticized. As reports of escapes, riots, prisoner violence, and abuse by staff in private prisons increase, many have questioned the wisdom and propriety of private companies carrying out this essential state function. After considering safety, cost, and accountability issues, it is clear that private companies should not be doing this public work. Government and only government, whether it's federal, state, or local, should operate prisons. That's why I rise today to introduce a bill that will restore responsibility for housing prisoners to the state and federal government, where it belongs. An identical bill was introduced in the House of Representatives by Congressman Ted Strickland, where it has received broad bi-partisan support and currently has 141 cosponsors.

Private prison companies, and proponents of their use, claim that they save taxpayers money. They claim private companies can do the government's business more efficiently, but this has never been confirmed. In fact, two government studies show that it is far from clear whether private prisons save taxpayers money. One study, completed by the GAO, stated that it could not conclude whether or not privatization saved money. The second study, completed by the Federal Bureau of Prisons in 1998, concluded that there is no strong evidence to show states save money by using private prisons.

More importantly, private prison companies are motivated by one goal: making a profit. Decisions by these companies are driven by the desire to make a profit and, in turn, please officers and shareholders. This profit motive in the context of housing criminals is wrong. It is at cross-purposes with the government's goal of punishing and rehabilitating criminals.

So what exactly does a private company run a prison? The prisons have promised to save taxpayers money, so they cut costs. This invariably results in unqualified, low paid employees, poor facilities and living conditions, and an inadequate number of educational and rehabilitative programs. Recent episodes of escape, violence, and prisoner abuse demonstrate what happens when corners are cut.

At the Northeast Ohio Correctional facility, a private prison in Youngstown, Ohio, 20 inmates were stabbed, two of them fatally, within a 10-month period. After management claimed they had addressed the problems, six inmates, four convicted of homicide, escaped over individual razor wire fences in the middle of the afternoon.

At a private prison in Whiteville, Tennessee, which houses many inmates from my home state of Wisconsin, there has been beatings, an assault of a guard, and a coverup to hide physical abuse of inmates by prison guards. A security report at the same Tennessee prison found unsecured razors, inmates obstructing views into their cells by blinds, and an inmate using a computer lab strictly labeled, "staff only" without any supervision.

At a private prison in Sayre, Oklahoma, a dangerous inmate uprising jeopardized the security and control of the facility. As a result, the state of Oklahoma removed all its inmates from the facility and questioned its safety. Because the prison gets paid based on the number of inmates, however, the prison continued to request, and other states sent, hundreds of inmates to be housed there.

Earlier this year the Justice Department filed a lawsuit against the Wackenhut Corrections Corporation, the second largest private prison company in the United States, charging that in one of its juvenile prisons, conditions were "dangerous and life threatening." A group of experts who toured the prison reported that many of the boys were undernourished, had lost weight, and did not have shoes or blankets. The Department of Justice lawsuit also alleges that inmates did not receive adequate mental health care or educational programming. In addition to the poor conditions and lack of training, the guards physically abused the boys and threw gas grenades into their barracks. Some juvenile inmates even tried to commit suicide or deliberately injure themselves so they would be sent to the infirmary to avoid abuse by the guards.

Mr. President, the profit motive clearly has a dangerous and harmful effect on the security of private prisons, but the profit motive also shortchanges inmates of the rehabilitation, education, and training that they need. Private prisons get paid based on the number of inmates they house. This means the more inmates they accept and the fewer services they provide, the more money they make. A high crime rate means more business and eliminates any motivation to provide job training, education, and other rehabilitative programs. These allegations of abuse and the negative effects of the profit motive are especially troubling because they have a disparate impact on the minority community, which has been incarcerated disproportionately in recent years particularly with the rise of mandatory minimum sentences for drug offenses.

Another issue of concern is accountability for dispensing one of the strongest punishments our society can impose. Incarceration requires a government to exercise its coercive police powers over individuals, including the authority to take away a person's freedom and to use force. This authority to use force should not be delegated to a private company that is not accountable to the people. This premise was reinforced by the Supreme Court in Ar mandson v. McKnight, which held that private prison personnel are not covered by the qualified immunity that shields state and local correctional officers. This means that a state or local government could be held liable for the actions of a private corporation.

Mr. President, the legislation I introduce today, the Public Safety Act, addresses these concerns. It restores control and management of prisons to the government. It makes federal grants under Title II of the Crime Control Act of 1994 contingent upon states agreeing not to contract with any private companies to provide core correctional services related to transportation or incarceration of inmates. The legislation carefully limits the ability of a private corporation to provide core correctional services meaning that private companies can still provide auxiliary services such as food or clothing.

Mr. President, let us restore safety and security to the many Americans who work in prisons. Let us protect the communities that support prisons. And let us ensure rehabilitation and safety for the individuals, including young boys and girls, who are housed there. This bill returns to the government the function of being the sole administrator of incarceration as punishment in our society. I urge my colleagues to join me as cosponsors of the Public Safety Act.

I ask that the text of the bill be placed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
S7668

CONGRESSIONAL RECORD — SENATE
July 26, 2000

SECTION 1. SHORT TITLE.
This Act may be cited as the “Public Safety Act”.

SEC. 2. FINDINGS.
The Congress finds the following:
(1) The issues of safety, liability, accountability, and cost are the paramount issues in running corrections facilities.
(2) In recent years, the privatization of facilities for persons seriously incapacitated by governmental entities has resulted in frequent escapes by violent criminals, riots resulting in extensive damage, prisoner violence, and incidents of prisoner abuse by staff.
(3) In some instances, the courts have prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community.
(4) Frequent escapes and riots at private facilities result in expensive law enforcement costs for State and local governments.
(5) The need to make profits creates incentives for private contractors to underfund mechanisms that provide for the security of the facility and the safety of the inmates, corrections staff, and neighboring community.

(6) The 1997 Supreme Court ruling in Richardson v. McKnight that the qualified immunity that shields State and local correctional officers does not apply to private prison personnel made it difficult for State and local governments to liability for the actions of private corporations.

(7) Additional liability issues arise when inmates are transferred outside the jurisdiction of the contracting State.

(8) Studies on private correctional facilities have been unable to demonstrate any significant cost savings in the privatization of corrections facilities.

(9) The imposition of punishment on errant citizens through incarceration requires State and local governments to exercise their coercive police powers over individuals. These powers, including the authority to use force against a private citizen, should not be delegated to another private party.

SEC. 3. ELIGIBILITY FOR GRANTS.
(a) IN GENERAL.—To be eligible to receive a grant under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994, an applicant shall provide assurance to the Attorney General that if selected to receive funds under such subtitle, the applicant shall not contract with a private corporation to provide any services related to correctional services related to the transportation or the incarceration of an inmate.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to grants funds received after the date of enactment of this Act.

SEC. 4. ENHANCING PUBLIC SAFETY AND SECURITY IN THE DUTIES OF THE BUREAU OF PRISONS.
Section 5042(a) of title 18, United States Code, is amended—
(1) by redesignating paragraph (5) as paragraph (7);
(2) by striking “and” at the end of paragraph (4); and
(3) by inserting after paragraph (4) the following:
“(6) provide that any penal or correctional facility or institution except for nonprofit community correctional confinement, such as halfway houses, confining any person convicted of a federal offense is shall be under the direction of the Director of the Bureau of Prisons and shall be managed and maintained by employees of Federal, State, or local governments;
“(7) provide that the transportation, housing, safeguarding, protection, and disciplining of any person charged with or convicted of a federal offense is except such persons in community correctional confinement such as halfway houses, will be conducted and carried out by individuals who are employees of Federal, State, or local governments; and”.

By Mr. McCAIN (for himself, Mr. KERRY, Mr. ABRAHAM, and Mrs. BOXER):

S. 2928. A bill to protect the privacy of consumers who use the Internet; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER INTERNET PRIVACY ENHANCEMENT ACT

Mr. MCCAIN. Mr. President, I am pleased to join my colleagues from Massachusetts, Michigan, and California to introduce the Consumer Internet Privacy Enhancement Act.

The purpose of this legislation is simple. We want to ensure that commercial websites inform consumers about how their personal information is handled, and make meaningful choices about the use of that information. While the purpose of this legislation is simple, the task my colleagues and I are seeking to accomplish is complex and difficult.

The Internet is a tremendous medium spurring the world’s economy and allowing people to communicate in ways that were unimaginable a few short years ago. The Internet revolution is transforming our lives and our economy at an incredible pace. Like any other technological revolution it promises great opportunities and, it presents new concerns and fears.

Chief among those concerns is the ability of the Internet to further erode individual privacy. Since the beginning of commerce, business has sought to learn more about consumers. The ability of the Internet to aid business in the collection, storage, transfer, and analysis of information about a consumer’s habits is unprecedented. While this technology can allow business to better target goods and services, it also has increased consumer fears about the collection and use of personally identifiable information. The Internet is used; access by the user to it is used; choice as to how that information is used; access by the user to information collected about them; and appropriate measures to ensure the security of the information.

Over the last three years industry has worked diligently to develop and implement privacy policies utilizing the four fair information practices. While industry has made progress in providing consumers with some form of notice of their information practices, there’s much work to be done to improve the depth and clarity of privacy policies.

The legislation we introduce today should not be viewed as a failure on the part of industry to address privacy. Instead industry’s efforts over the past few years have driven the development of standards which serve as the model for this legislation. Our objective is to provide for enforceable standards to enable standards that will provide consumers with clear and conspicuous notice and meaningful choices about how their information is used.

Currently, some websites have privacy policies that are confusing and difficult to understand. Some current privacy policies confuse and contradict rather than provide consumers with clear and conspicuous notice of a consumer’s rights.

The bill my colleagues and I introduce today attempts to end some of this confusion by providing for enforceable standards that will protect consumers and allow for the continued growth of e-commerce. Specifically, the bill would require websites to provide clear and conspicuous notice of their information practices. It also requires websites to provide consumers with an easy method to limit the use and disclosure of information.

The provisions of the bill are enforceable by the FTC. States Attorneys General could also bring suits in federal court under the Act using a mechanism similar to the Telemarketing Sales Rule. We also propose a civil penalty of $22,000 per violation with a maximum fine of $500,000. Currently, the FTC can only seek civil penalties if an individual or business is under an order for past behavior.

The legislation also preempts state law to ensure that the law governing the collection of personally identifiable information is uniform. Finally, the bill would direct the National Academy of Sciences to conduct a study of privacy to examine the collection of personal information in the offline-world as well as methods to provide consumers with access to information collected by them.

Despite our best efforts I recognize this bill does not address all of the
issues affecting online privacy. As I said earlier, this is a complex and difficult issue. Other related concerns that should be addressed will continue to arise as we consider this measure. For example, the sale of data during bankruptcy, the use of software also known as spyware that can track personal information while online without the user’s consent or knowledge, and the government’s use and dissemination of personally identifiable information online.

Additionally, other new ways to help resolve the issue of online privacy will also arise as we consider this measure. These include the deployment of technology that will enable consumers to protect their privacy is one issue we should expect to address. Another issue is the use of verifiable assessment procedures to ensure that websites are following their posted privacy policies.

The discovery of new issues and new solutions as we move through this process will serve to highlight the difficulty and complexity of dealing with this issue. It is not my intention to rush to judgment on these matters. Instead, I firmly believe the best way to protect consumers and provide for the continued growth of e-commerce is to give privacy careful and thoughtful deliberation before we act.

Mr. President, it is clear that businesses should inform consumers in a clear and conspicuous manner about how they treat personal information and provide meaningful choices as to how that information is used. While some of us may disagree on the manner in which we meet this goal, we all agree that it must be done. I look forward to working with my colleagues and addressing their concerns as we move through the legislative process.

Mr. President, I ask unanimous consent to print the full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2928

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 “Consumer Internet Privacy Enforcement Act”.

SEC. 2. COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) In General.—It is unlawful for a commercial website operator to collect personally identifiable information online from a user of that website unless the operator provides (1) notice to the user on the website in accordance with the requirements of subsection (b); and (2) an opportunity to that user to limit the use for marketing purposes, or disclosure to third parties of personally identifiable information collected that—

(A) is not a description of the products or services provided by the website; or

(B) not required to be disclosed by law.

(b) Notice.—For purposes of subsection (a), notice consists of a statement that informs a user of a website of the following:

(A) The identity of the operator of the website and of any third party the operator knowingly permits to collect personally identifiable information from users through the website. 

(B) A list of the types of personally identifiable information collected online by the operator.

(C) A description of the categories of information the operator may collect in connection with the user’s visit to the website.

(D) A description of the categories of potential recipients of any such personally identifiable information.

(E) Whether the user is required to provide personally identifiable information in order to use the website and any other consequences of failure to provide that information.

(F) A general description of what steps the operator takes to protect the security of personally identifiable information collected online by the user.

(G) A description of the means by which a user may elect not to have the user’s personally identifiable information used by the operator for marketing purposes or sold, distributed, disclosed, or otherwise made available to a third party, except for—

(i) information related to the provision of the product or service provided by the website; or

(ii) information required to be disclosed by law.

(H) The address or telephone number at which the user may contact the website operator about its information practices and also an electronic means of contacting the operator.

2. FORM OF NOTICE.—The notice required by subsection (a) shall be clear, conspicuous, and easily understood.

(3) OPPORTUNITY TO LIMIT DISCLOSURE.—The opportunity provided to users to limit use and disclosure of personally identifiable information shall be easy to use, easily accessible, and shall be available online.

(c) INCONSISTENT STATE LAW.—No State or local government may impose any liability for commercial actions by a commercial website operator in interstate or foreign commerce in connection with an activity or action described in this Act that is inconsistent with, or more restrictive than, the treatment of that activity or action under this section.

(d) SAFE HARBOR.—A commercial website operator may not be held to have violated any provision of this Act if it complies with self-regulatory guidelines that—

(1) are issued by seal programs or representatives of or online industries or by any other person; and

(2) are approved by the Commission as containing all the requirements set forth in subsection (b).

SEC. 3. ENFORCEMENT.

(a) IN GENERAL.—The violation of section 2(a) or (b) shall be treated as a violation of a rule defining an unfair or deceptive act or practice in or affecting commerce proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)(B)) or a rule defining an unfair or deceptive act or practice in or affecting commerce proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)(B)).

(b) ENFORCEMENT BY CERTAIN OTHER AGENCIES.—The Commission may, in accordance with section 2(a) or (b) shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies (other than the Federal Reserve System) and insured State branches of foreign banks, commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 29 of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration with respect to any credit union;

(4) a part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 222 of the Fair Trade Amendments Act of 1978), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2071 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of section 2(a) or (b) is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under section 2(a) or (b), any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating section 2(a) or (b) of this Act. Actions by the Commission shall be treated as actions by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(e) RELATIONSHIP TO OTHER LAWS.—Nothing in section 2(a) or (b) requires an operator of a website to take any action that is inconsistent with the requirements of section 222 of the Federal Deposit Insurance Act of 1994 (12 U.S.C. 222 or 551).

(f) OTHER ACTS.—Nothing in this Act is intended to affect any provision of, or any amendment made by,—

(A) the Children’s Online Privacy Protection Act of 1998;
may consider to be appropriate.

of appropriate jurisdiction to—

the State, as parens patriae, may bring a

practice that violates section 2(a) or (b),

affected by the engagement of any person in

attorney general of a State has reason to be-

behalf of the Commission for violation of

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—

(i) CIVIL ACTIONS.—In any case in which the

attorney general of a State has reason to be-

lieve that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates section 2(a) or (b), the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) obtain personal injunctive relief;

(B) obtain damage, restitution, or other

compensation on behalf of residents of the State;

(C) obtain such other relief as the court

may consider to be appropriate.

(ii) NOTICE.—

(A) In general.—Before filing an action

under paragraph (1), the attorney general of

the State involved shall provide to the Com-

mission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—

(i) In general.—Subparagraph (A) shall not apply with respect to the filing of an action

by an attorney general of a State under this subsection, if the attorney general de-

termines that it is not feasible to provide the notice described in that subparagraph before

the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(i) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(ii) NOTICE OF INTERVENTION.—If the Com-

mission intervenes in an action under sub-

section (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(iii) AMICUS CURIAE.—Upon application to the court, a person whose self-regulatory guidelines have been approved by the Com-

mission and are relied upon as a defense by any defendant to a proceeding under this sec-

tion may file amicus curiae in that pro-

ceeding.

(c) CONSTRUCTION.—For purposes of bring-

ing any civil action under subsection (a), nothing in this Act shall be construed to pre-

vent any such violation on the part of the State of exercising the powers conferred on the attor-

ney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of section 2(a) or (b) no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of section 2(a).

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under sub-

section (a) may be brought in the district court of the United States of applicable jurisdiction, or in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) CIVIL PENALTY.—In addition to any

other relief, the Commission—

(A) may, in any case in which the Com-

mission considers appropriate, impose a civil penalty on any person who violates any provision of this Act.

(B) may impose a civil penalty on any person who violates any provision of this Act, if the Commission determines that the violation of an order or ruling of the Commission continues.

(C) may, in any case in which the Com-

mission determines that the violation of an order or ruling of the Commission continues, order the person violating such order or ruling to cease and desist from such violation.

(D) may seek such further relief as the court determines to be just and consistent with the purposes of this Act.

SEC. 5. STUDY OF ONLINE PRIVACY.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Com-

mission shall execute a contract with the Na-

tional Research Council of the National Academy of Sciences for a study of privacy that will examine causes for concern about privacy in the information age and tools and strategies for responding to those concerns.

(b) SCOPE.—The study required by sub-

section (a) shall—

(1) survey the risks to, and benefits associ-

ated with the use of, personal information associated with information technology, in-

cluding actual and potential issues related to trends in technology.

(2) examine the costs and benefits involved in the collection and use of personal infor-

mation;

(3) examine the differences, if any, between the collection and use of personal information by the online industry and the collec-

tion and use of personal information by other businesses;

(4) examine the costs, risks, and benefits of providing consumer access to information collected online, and examine approaches to providing such access;

(5) examine the security of personal in-

formation collected online;

(6) examine such other matters relating to the collection, use, and protection of per-

sonal information online as the Council and the Commission consider appropriate; and

(7) examine efforts being made by industry to provide notice, choice, access, and secu-

rity.

(c) RECOMMENDATIONS.—Within 12 months after the Commission's request under sub-

section (a), the Council shall complete the study and submit a report to the Congress, including recommendations for private and public sector actions including self-regula-

tion, laws, regulations, or special agree-

ments.

(d) AGENCY COOPERATION.—The head of each Federal department or agency shall, at the request of the Commission or the Coun-

cil, cooperate as fully as possible with the Council in its activities in carrying out the study.

(e) FUNDING.—The Commission is author-

ized to be obligated not more than $1,000,000 to carry out this section from funds appro-

priated to the Commission.

SEC. 6. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) COMMERCIAL WEBSITE OPERATOR.—The term “operator of a commercial website”—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains per-

sonal information from or about the users of or visitors to such website or online service, or on whose behalf such information is col-

lected or maintained by such website or online service is operated for commercial purposes, including any person offering prod-

ucts or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(ii) any State or foreign nation; or

(iii) the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be subject to cov-


(COLLECT.—The term “collect” means the gathering of personally identifiable information about a user of an Internet serv-

ice, online service, or commercial website by or on behalf of the provider or operator of that service or website by any means, direct or indirect, active or passive, including—

(A) an online request for such information by the provider or operator, regardless of how the information is transmitted to the provider or operator;

(B) the use of an online service to gather the information;

(C) or tracking use of any identifying code linked to a user of such a service or website, including the use of cookies.

74. INTERNET.—The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected network of networks that employ the Trans-

mission Control Protocol/Internet Protocol, or any successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(5) PERSONALLY IDENTIFIABLE INFORMA-

TION.—The term “personally identifiable in-

formation” means individually identifiable information about an individual collected online, including—

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address includ-

ing street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number; or

(F) unique identifying information that an Internet service provider or operator of a commercial website collects and combines with any information described in the pre-

ceding subparagraphs of this paragraph.

(6) ONLINE.—The term “online” refers to any activity regulated by this Act or by sec-

tion 210 of title 18, United States Code, that is

acted by active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

(7) THIRD PARTY.—The term “third party”, when used in reference to a commercial website operator, means any person other than the operator.

Mr. KERRY. Mr. President, I am pleased to join Senators MCCAIN, BOXER and ABRAHAM in announcing that today we will be introducing a bill that takes a positive, balanced ap-

proach to the issue of Internet privacy. There can be no doubt that consumers have a legitimate expectation of pri-

vacy on the Internet. Our bill protects that interest. At the same time, con-

sumers want an Internet that is free. For that to happen, the Internet, like television, must be supported by adver-

tising. Our bill will allow companies to continue to advertise, ensuring that we
don’t have a subscription-based Internet, which would limit everyone’s online activities and contribute to a digital divide.

If we recognize that the economy of the Internet calls for advertising, we must assure that it will attract consumers if they believe their privacy is being violated. Finding this fine balance of permitting enough free flow of information to allow ads to work and protecting consumers’ privacy is going to be critical if the Internet is going to reach its full potential. And I believe this bill strikes the right balance.

I think all of the bill’s cosponsors were hopeful that self-regulation of Internet privacy would work. And I think self-regulation still has an important role to play. But it seems that now it is up to Congress to establish a floor for Internet privacy. I have no doubt that many innovative high tech companies and advertisers will go beyond self-regulations for notice and choice we provide here. A number of companies in my home state of Massachusetts already do, providing consumers with anonymity when they go online. I applaud and encourage those efforts, but I think that if Congress enacts this bill, they will continue.

But technology and innovation won’t address all the concerns people have about Internet privacy. Congress has the responsibility to ensure that core privacy notations will be adhered to throughout the online world. We need to respond to the consumers who don’t shop online because they are concerned about their privacy. This is necessary not only for the sake of the consumers, but for every online business that wants to grow and attract customers.

The bill that we are introducing today will encourage those skeptical consumers to go online. This legislation will require Web sites to clearly and conspicuously disclose their privacy policies. People deserve to know what information may be collected and how it may be used so that they can make an informed decision before they navigate around or shop on a particular Web site. They shouldn’t have to click five times and need to translate legalese before they know what a site will do with their personal information. Requiring disclosure has the added benefit of providing consumers with an enforcement mechanism. If a Web site fails to comply with its posted disclosure policy, the FTC can bring an action against it for unfair or deceptive acts. This is the bare minimum of what I believe consumers deserve and expect, and I don’t think this would have any unintended or negative consequences on e-commerce.

In addition, this bill addresses the core principle of choice by requiring Web sites to offer consumers an easy-to-use method to prevent Web sites from using personally identifiable information for marketing purposes and to prevent them from selling that information to third parties. This bill empowers consumers and lets them make informed decisions that are right for them.

By ensuring consumers have the right to full disclosure and the right to choose whether their personally identifiable information should or disclosed, this bill addresses the most fundamental concerns many people have about online privacy. But I believe there are still a number of important questions that we need to answer. The first is whether there is a right to privacy in the offline and online worlds.

Most of us hardly think about it when we go to the supermarket, but when Safeway or Giant scans my discount card or my credit card, it has a record of exactly who I am and what I bought. Should my preferences at the supermarket be any more or less protected than the choices I make online?

Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retailers and other catalogers and mass mailers.

On the other hand, when I go to the shopping mall and look at five different sweaters but don’t buy any of them, no one has a record of that. If I do shop, the technology can record how long I linger over an item, even if I don’t buy it. Likewise, I can pick up any book in a book store and pay in cash and no one will ever know my reading preferences. That type of anonymity can be completely lost online.

This bill requires the National Research Council to study the issue of online versus offline privacy, and make a recommendation if there is a need for additional legislation in that area. Likewise, this bill requires the Council to study the issue of access. While there is general agreement that consumers should have access to information they provided to a Web site, we still don’t know whether it’s necessary or proper for consumers to have access to all of the information gathered about an individual. Should consumers have access to click-stream data or so-called derived data by which a company, derived from data in the possession of a separate company, can make a marketing decision about the consumer? And if we decide consumers need some access to this type of information, is it technology feasible? Will there be unforeseen or unintended consequences such as an increased risk of identity theft or breaches? Will there be less, rather than more privacy due to the necessary coupling of names and data? I don’t we are ready to regulate until we have some consensus on this issue.

Finally, it is important to add that this bill is no way减轻 the onus Congress has done or hopefully will do with respect to a person’s health or financial information. When sensitive information is collected, it is even more important that stringent privacy protections are in place. I have supported a number of legislative efforts that would go far to protect this type of information.

Mr. ABRAHAM. Mr. President, today I rise in agreement with the Senator from Arizona, the Senator from Massachusetts, and the Senator from California in introducing the Consumer Privacy Enhancement Act. This legislation will provide Americans with some basic—critical privacy protections for their personal information when they are online.

Privacy has always been a very serious issue to American citizens. It is a concept enshrined in our Bill of Rights. As persons from all walks of life become increasingly reliant on computers and the Internet to perform everyday tasks, it is incumbent upon policymakers to ensure that adequate privacy protections exist for consumers. We must ensure that our laws evolve along with technology and continue to provide effective privacy protection for consumers surfing the Wide Web and using the Internet for commercial activities.

The American people are letting it be known that they have mounting concerns about their vulnerability in this digital age. They are very concerned about the advent of this new high-tech era we’ve entered and the threats it potentially poses to our personal privacy. And I believe there is a consensus building in Congress to begin to tackle the question of ensuring adequate privacy protections for individuals using the Internet.

Whether we can find a similar consensus on a particular legislative proposal remains to be seen. However, I think it is imperative that we begin to address this topic now and not simply wait until Congress reconvenes next year before we take the issue up. So I have joined my colleagues here in introducing legislation that I think accomplishes several important objectives.

The most important provision, I believe, is its most elemental concept: We require that before consumers are asked to provide personal information about themselves, they must be given an opportunity to review the website’s privacy policy and to learn how their information will be utilized. While many websites have privacy policies, including the vast majority of those websites receiving the most traffic, there are still many websites out there that do not offer privacy policies or adequate protections for consumers. In addition, many of the privacy policies that do exist are very lengthy and often quite confusing to consumers. There are pages and pages of ambiguous legalese and often seemingly contrary policies that confuse the consumer and protect your information truly is. So our bill also calls on the Federal Trade Commission to ensure that privacy policies...
are “clear, conspicuous, and easily understood,” and that any consent mechanisms shall be “easy to use, easily accessible, and shall be available online.”

Finally, this legislation recognizes the importance of allowing the Internet industry to continue to promote greater self-regulation and to develop new technology means for to continue to evolve and to help us address legitimate consumer privacy concerns. There have been several initiatives undertaken by industry leaders to get websites to develop and post privacy policies and to give consumers the option of when to provide information and for what uses. This legislation is designed to allow such efforts to continue and to provide for technological advances in the area of privacy to benefit consumers. For instance, Ford and other companies have been participating in the Privacy Leadership Initiative whereby companies engaged online are working to establish industry guidelines and protocols for protecting consumers privacy. Nothing we do here today should inhibit such industry efforts.

So with those critical features addressed, I believe the legislation we introduce today should inhibit such industry efforts.

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2929. A bill to establish a demonstration project to increase teacher salaries, to provide benefits for teachers who enter into contracts with local educational agencies to serve as master teachers; to the Committee on Health, Education, Labor, and Pensions.

MOTHER TEACHER LEGISLATION

Mrs. FEINSTEIN. Mr. President, today Senators HOLLINGS, INOUYE, and I are introducing a bill to create a demonstration grant program to help school districts create master teacher positions.

Our bill authorizes $50 million for a five-year demonstration program under which the Secretary of Education would award competitive grants to school districts to create master teacher positions. Federal funds would be equally matched by states and local governments so that $100 million total would be available. Under the bill, 5,000 master teacher positions could be created, or 100 per State, if each master teacher were paid $20,000 on top of the current average teacher’s salary.

As defined in this amendment, a master teacher is one who is credentialed; has a least five years of teaching experience; is judged to be an excellent teacher by administrators and teachers who are knowledgeable about the individual’s performance; and is currently teaching; and enters into a contract and agrees to serve at least five years.

The master teacher would help other teachers to improve instruction, strengthen other teachers’ skills, mentor experienced teachers, develop curriculum, and provide other professional development.

The intent of this bill is for districts to pay each master teacher up to $20,000 on top of his or her regular salary. Nationally, the average teacher salary is $40,582. In California, it is $44,585. Elementary school principals receive $64,653 on average nationally and $72,385 in California. The thrust of the master teacher concept in this bill is to pay teachers a salary closer to that of an administrator to keep good teachers in teaching.

The bill requires State and/or local districts to match federal funds dollar for dollar. It requires the U.S. Department of Education to give priority to school districts with a high proportion of economically disadvantaged students and to the grants awarded to a wide range of districts in terms of the size and location of the school district, the ethnic and economic composition of students, and the experience of the districts’ teachers.

There are several reasons we need this bill.

NEWTACHERSNEEDSUPPORT

First, new teachers face overwhelming responsibilities and challenges in their first year, but in the real world, they get little guidance. When first-year teachers enter the classroom, there is typically little help available to them, in a year that will have a profound impact on the rest of their professional career. They are “out there alone,” virtually isolated in the unfamililiar school and classroom with a room full of new faces. By the current sink-or-swim method, new teachers often find themselves ill equipped to deal with the educational and disciplinary tasks of their first year.

In California, 23 percent of teachers in kindergarten through the third grade are novices. Furthermore, we have 30,000 inexperienced teachers on emergency credentials in California, over ten percent of our teaching workforce.

A new teacher can get experienced guidance from a master teacher who is paired with the new teacher. The master teacher can help plan lessons, improve instructional methods, and deal with discipline problems. “If you’re a master teacher teaching a class, then you can say, ‘last week I handled a discipline problem this way.’ It’s much more credible,” said Carl O’Connell, a California State University-Long Beach, 25 percent of beginning teachers do not teach more than two years and nearly 40 percent leave the first five years. In the Rochester, New York, system, the teacher retention rate was nearly double the national average five years after establishing a mentoring program.

As Jay Matthews wrote in the May 16 Washington Post, programs like this “can provide a large boost to the profession’s image for a relatively small amount of money.” These programs can keep good teachers in the classroom, instead of losing them to school administration or industry. Larkspur, California, School Superintendent Barbara Wilson says she is “witnessing a steady exodus to dotcom and other, more lucrative industries.” (San Francisco Chronicle, March 20, 2000).

Higher salaries and prestige for master teachers could deter the drain from the classrooms.

HOLDINGTEACHERSACCOUNTABLE

Another reason for this amendment is that teacher mentoring programs can make teacher performance more accountable. A master teacher can help novice teachers improve their teaching and get better student achievement. “Teachers cannot be held accountable for knowledge based, client-oriented decisions if they do not have access to knowledge, as well as opportunities for consultation and evaluation of their work.” said Adam Urbanski, President of the Rochester, New York, Teachers
Association. He went on: “Unsatisfactory teacher performance often stems from inadequate and incompetent supervision. Administrators often lack the training and the resources to supervise teachers and improve the performance of those who are in serious trouble.”

Good teachers are key to learning. Lower math test scores have been correlated with the percentage of math teachers on emergency permits and higher math test scores were linked both to the teachers’ qualifications and to their years of teaching experience, according to “Professional Development for Teachers, 2000.”

CALIFORNIA WOULD BENEFIT

This bill could be very helpful in California where one-fifth of our teachers will leave the profession in three years, according to an article in the February 9, 2000, Los Angeles Times.

California will need 300,000 new teachers. (More students to teach, smaller classes, teachers leaving or retiring means that California school districts are now having to hire a record 26,000 new teachers each year,” says the report. “Teaching and California’s Future, 2000.”) California’s enrollment is growing at three times the national rate. With these kinds of demands, understaffing often leads to underqualified and new teachers entering the classroom. We have to do all we can to attract and retain good teachers.

EXAMPLES OF MASTER TEACHER PROGRAMS

California has instituted several programs along these lines. California has a program to help beginning teachers. It has grown from $5 million (supporting 1,100 new teachers in 1992) to nearly $72 million (serving 23,000 new teachers in 1999–2000). But even with this increase, the program still does not serve all new teachers,” according to the report, Teaching and California’s Future, 2000.

The Rochester City, New York, school system has a Peer Assistance and Review Program, begun by the schools and the Rochester Teacher Association. The Rochester program is working. “The evaluation is absolutely spectacular. The program has been a terrific success. It has been deemed a success by mentors, by the panel, by the district, by the union, and, most importantly, by the interns themselves,” reported the newspaper, New York Teacher.

Delaware provides mentors for beginning teachers. “Not only are beginning teachers receiving the support they need, but the mentoring program is also developing networks among teachers within districts and across the state, and the mentors have ‘a new enthusiasm’ for teaching,” as reported in “Promising Practices” in 1998.

Columbus, Ohio, schools instituted a Peer Assessment and Review program similar to Rochester’s. It has two components: the intern program for all newly hired teachers and the intervention program for teachers who are having difficulties in the classroom teaching. According to the State Education Agency, “the district has a lower rate of attrition than similar districts because of PAR.” (Promising Practices, 1998).

The funds provided in this bill can supplement and expand existing State programs and help other States start new programs.

STUDENTS ARE THE WINNERS

The true beneficiaries of master teacher programs are the students and the school districts under them. The fundamental goal as stated in Rochester’s teaching manual, the goal is “to improve student outcomes by developing and maintaining the highest quality of teaching, providing teachers with career options that do not require them to leave teaching to assume additional responsibilities and leadership roles.”

I believe this bill can begin to provide teachers the real professional support they need, can attract and retain teachers and can bring to the profession the prestige it deserves. I urge my colleagues to join us in support of this bill.

By Mr. MURKOWSKI: S. 2931. A bill to make improvements to the Arctic Research and Policy Act of 1984; to the Committee on Government Affairs.

IMPROVEMENTS TO THE ARCTIC RESEARCH AND POLICY ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce legislation to improve the operation of the Arctic Research and Policy Act. We have about 15 years of experience with this Act, and the time has come to make some modifications to reflect the experience we have gained over that time.

The most important feature of this bill is contained in Section 4. This section authorizes the Arctic Research Commission, a Presidential Commission, to make grants for scientific research. Currently, the Commission can make recommendations and set priorities, but it cannot make grants. Our experience with the Act and the Commission has shown us that research needs that do not fit neatly in a single agency do not get funded, even if they are compelling priorities.

One example is a proposed Arctic contamination initiative that was developed a few years ago after we discovered that pollutants from the Former Soviet Union—including radioisotopes, heavy metals and persistent organic pollutants—were working their way into the Arctic environment. It became clear that the job of monitoring and evaluating the threat was too big for any single agency. The Interior Department, given its vast land management responsibilities in Alaska, was interested. The Commerce Department, given the jurisdiction over fisheries issues, was interested. The Department of Health and Human Services, given its concern about the health of Alaska’s indigenous peoples, was interested. The only agency that didn’t seem interested in the problem, strangely enough, was the EPA, which at the time was in the process of dismantling its Arctic Contaminants program.

Unfortunately, because the job was too big for any single agency, it was difficult to get the level of interagency cooperation necessary for a coordinated program. Moreover, agencies were unwilling to make a significant budgetary commitment to a program that wasn’t under their exclusive control. If the Arctic Research Commission, which recognized the need, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Arctic contaminants problem than we do today.

Another example is the compelling need to understand the Bering Sea ecosystem. Over the past 20 years we have seen significant shifts in some of the populations comprising this ecosystem. Krill, a major food source for pelagic and benthic species such as climate change, biotic factors such as predator-prey relationships, or some combination of both. Because the nation depends on this area for a significant portion of its seafood, this is an issue without a solution. Despite the chorus of interests and federal agencies that have said research is needed, a coordinated effort has not yet occurred. If the Arctic Research Commission, which recognized this need early on, had some funding of its own to leverage agency participation and help to coordinate the effort, we would know far more about the Bering Sea ecosystem than we do today.

This bill also makes a number of other important changes in the Act:

Section 2 allows the Chairperson of the Commission to receive compensation for up to 120 days per year rather than the 90 days per year currently allowed by the Act. The Chairperson has a major role to play in interacting with the Legislative and Executive branches of the government, representing the Commission to non-governmental organizations, in interacting with the State of Alaska, and serving in international forums. The present limits have been unable to fully discharge their responsibilities in the 90 day limit specified in the Act.

Section 3 authorizes the Commission to award an annual award not to exceed $50,000 to any single researcher for outstanding research or outstanding efforts in support of research in the Arctic. The ability to give modest awards will bring recognition to outstanding efforts in Arctic Research which, in turn, will help to stimulate research in the region.

Section 4 also specifies that a current or former Commission member is not eligible to receive the award.
Section 5 authorizes official representative and reception activities. Because the Commission is not authorized to use fund for these kinds of activities, the Commission has experienced embarrassment when they were unable to reciprocate after other foreign counterparts hosted a reception or lunch on their behalf. Under this provision, the Commission may spend not more than two tenths of one percent of its budget for representation and reception activities in each fiscal year.

Mr. President, the Arctic Research and Policy Act and the Arctic Research Commission has worked well over the past 15 years. It can work even better with these modest changes. I look forward to working with my colleagues to enact this bill as soon as possible.

By Mr. Nickles:

S. 2933. A bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.


Mr. Nickles. Mr. President, I rise today to introduce a bill to amend provisions of the Energy Policy Act of 1992 relating to remedial action of active uranium and thorium processing sites. On October 24, 1992, President Bush signed the National Energy Policy Act of 1992 (EPACT) into law. Title X of EPACT authorized the Department of Energy to reimburse uranium and thorium processing licensees for the portion of the costs incurred in the remediation of mill tailings, groundwater and other by-product material generated as a result of sales to the federal government pursuant to the Atomic Energy Commission's procurement program.

The Title X reimbursement program has worked very well. The licensees have completed much of the surface reclamation at the Title X sites. However, increasingly stringent remediation standards and groundwater decontamination programs have significantly increased the cost and time necessary to complete remediation at many sites. Under current law, in order for a licensee to be eligible to recover the federal share of remediation costs incurred subsequent to December 31, 2002, must describe and quantify all costs expected to be incurred throughout the remainder of the site's cleanup in a plan for subsequent remedial action. This plan must be submitted to the Department of Energy before December 31, 2001 and approved prior to December 31, 2002.

This bill would amend Title X to extend the date, from 2002 to 2007, through which licensees can submit claims for reimbursement under the procedures now in place and extend the date from December 31, 2002, to December 31, 2007, that licensees must submit their plans for subsequent remedial action to the Department of Energy. This legislation does not seek any increase in the existing authorization. It merely provides the time necessary to prepare the plans on a more informed basis and avoid the unintended hardship which would likely result from the 2002 deadline.

Mr. President, I call upon 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:

S. 2933

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

SECTION 1. REMEDIAL ACTION AT ACTIVE URANIUM AND THORIUM PROCESSING SITES.

Section 1031(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296a(b)) is amended—

(1) in paragraph (1)(b)—

(A) in clause (i), by striking “2002” and inserting “2007”;

and (B) in clause (ii), by striking “placed in escrow not later than December 31, 2002,” and inserting “incurred by a licensee after December 31, 2008”;

(2) in paragraph (2)(E)(i), by striking “July 31, 2005” and inserting “December 31, 2008”.

By Mr. Torricelli:

S. 2934. A bill to provide for the assessment of an increased civil penalty in a case in which a person or entity that is the subject of a civil enforcement action has previously violated an environmental law or in a case in which a violation of an environmental law results in a catastrophic event; to the Committee on Environment and Public Works.

The Zero Tolerance for Repeat Polluters Act of 2000

Mr. Torricelli. Mr. President, I rise today to draw attention to the increased number of environmental enforcement actions brought against repeat violators in the United States.

In 1970, many of America's rivers and lakes were dying, our city skylines were disappearing behind a shroud of smog, and toxic waste threatened countless communities. Today, after a generation of environmental safeguards, our rivers and lakes are becoming safe for fishing and swimming again. Millions more Americans enjoy clean air and safe drinking water, and many of our worst toxic dumps have been cleaned. Yet more remains to be done before we can truly say our environment is a healthy environment.

Indeed, in 1997 alone, over 11,000 environmental enforcement actions had to be taken at the Federal and Federal level. Sadly, it is also becoming much more common for the defendants in these actions to be repeat violators. For instance, in 1994, a chemical company in New Jersey was fined $5,000 for environmental violations. Four years later, the same chemical company was again cited for an environmental crime—releasing cresol into the air. Unfortunately, this time 53 children and 5 adults had to be hospitalized and the EPA had to evacuate the local community.

Incidents such as this are becoming all too common. Under current law, the penalties for repeat environmental violators, or parties responsible for environmental catastrophes resulting in serious injury, are too low. Indeed, paltry fines are insufficient deterrents for large corporations or parties that repeatedly commit environmental crimes. Between 1994 and 1998, New Jersey had 774 repeat violators—more than any other State in the nation. This lack of deterrence has serious repercussions for the environment and public health.

To provide a real safeguard against these repeat violators, today I will introduce the “Zero Tolerance for Repeat Polluters Act of 2000.” This legislation will create stiffer penalties for repeat violators of environmental safeguards and provides penalties that will more accurately reflect the costs to public health and the environment of catastrophic events. The bill also gives the EPA emergency order and civil action authority to address significant threats by developers and substantial endangers of health and environment and creates a new EPA trust fund into which recovered funds can be used to address other significant threats.

Repeat environmental polluters that negligently endanger the public with their actions or inaction will not be tolerated. No individual or business should be able to endanger the public's health and safety with only the threat of a slap on the wrist hanging over them. The “Zero Tolerance for Repeat Polluters Act of 2000” goes a long way towards ensuring that public health and the environment are truly protected for future generations.

By Mr. Graham (for himself, Mr. Grassley, Ms. Mikulski, Mr. Bayh, Mr. Breaux, Ms. Collins, and Mr. Akaka):

S. 2935. A bill to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Public Health Service Act to improve Americans' access to long-term care health and for other purposes; to the Committee on Finance.

The Omnibus Long-term Care Act of 2000

Mr. Graham. Mr. President, it is with great pleasure that I rise today to introduce the Omnibus Long-term Care Act of 2000 with my colleagues Senators Grassley, Mikulski, Bayh, Breaux, Collins, and Akaka.

Americans in need of long-term care now face a fragmented and inadequate system of state and federal programs. This is no longer acceptable. Millions are struggling today to meet their long-term care needs, and these numbers will grow dramatically as the country ages. While Medicare reform is important, we will have accomplished little if we address seniors' acute care needs, but then leave them to suffer in poverty when they require long-term care.

I am pleased to introduce bipartisan legislation that demonstrates the Senate's commitment to addressing this issue in a comprehensive way. The Omnibus Long-term Care Act of 2000 will...
help millions of seniors and their caregivers who are struggling in our communities, while also encouraging all Americans to better plan for their own retirements.

Many seniors move to Florida with plans for a better retirement, but all too often, these hopes are never realized. A stroke or Alzheimer’s Disease strikes and a family is quickly overwhelmed by their long-term care costs and responsibilities. To complicate matters, many spouses of disabled seniors are frail themselves, and so find it increasingly difficult to meet the needs of their loved ones.

Caregiving is also a huge concern for the millions of Americans in the sandwich generation, those who are caring both for their children and their parents, while also balancing work obligations. Almost one-third of all caregivers is juggling employment and caregiver responsibilities, and of this group, two-thirds have conflicts that result in lost work, cut hours, or turn down promotions.

It is clear that too many Americans are now being forced to sacrifice their health and their careers to care for their loved ones. To help, this bill: provides for their caregivers with a $3,000 long-term care tax credit; implements the National Family Caregiver Support Program, which will provide caregivers with information and services to help them meet their responsibilities; creates Social Services Block Grant funding for community-based long-term care services; and ensures that seniors can return to their nursing home after hospitalization.

This bill can also avert the long-term care crisis that will result if we do nothing to prepare for the aging of the Baby Boomers. Millions who are struggling to care for their parents today will soon need long-term care themselves. Baby Boomers had a higher divorce rate and fewer children than today’s seniors, so they will not have the same support network that today’s retirees enjoy.

With more seniors needing more paid help in the future, costs will skyrocket. According to the Congressional Budget Office, individual out-of-pocket costs for long-term care could nearly double from $43 billion today to $82 billion in 2020, and government’s costs could increase from $73 billion to $125 billion over a 10-year period. It is clear that future retirees and the government cannot afford business as usual.

We must ask all Americans to take more responsibility for their own long-term care needs. To help bring this about, this bill: offers a tax deduction for the premiums of long-term care insurance policies; provides long-term care insurance to federal employees; authorizes a national public information campaign to educate employers and employees about the benefits of long-term care coverage; mandates a federal survey to determine whether cities and counties are “elder-ready;” calls for studies to determine how best to meet Americans’ future long-term care needs; and includes a Sense of the Senate affirming the body’s commitment to ensuring seniors’ physical, emotional, and financial well-being in the new century.

The long-term care crisis we face demonstrates that we have neglected this issue for far too long. But we must act now. The large number of seniors and their caregivers who are suffering in our communities today and the future needs of the Baby Boomers require it. A big problem requires a big solution, and this bill helps protect seniors today and in the future.

All of the cosponsors of this legislation have championed the need to meet seniors’ long-term care needs. The fact that we have all come together in a bipartisan manner demonstrates that the Senate is committed to addressing this issue in a meaningful way. I look forward to working with my colleagues and the many organizations that support this legislation to make comprehensive long-term care reform a reality.

Ms. MIKULSKI. Mr. President I rise as a proud original cosponsor of the Omnibus Long-Term Care Act of 2000. I am very pleased to join Senators GRAHAM, HAM, GRASSLEY, BAYH, COLLINS, BREAUX, and AKAKA to introduce this bipartisan legislation that provides a comprehensive approach to the long-term care of our nation’s citizens. I am committed to finding long-term solutions to the long-term care problem in our country.

I like this bill because it meets the day-to-day needs of Marylanders and the long-range needs of our country. At least 5.8 million Americans aged 65 and older currently need long-term care. While this legislation has many important provisions, I would like to highlight three of its features: the National Family Caregiver Support Program, long-term care insurance for federal employees, and the “return to home” provision.

First, this bill would establish the National Family Caregiver Support Program. I am proud to have sponsored and cosponsored this legislation previously in this Congress. This program will provide respite care, training, counseling, support services, information and assistance to some of the millions of Americans who care for older individuals and adult children with disabilities. Ninety percent of all long-term care services are provided by family and friends. This program has strong bipartisan support, will get behind our nation’s families, and give help to those who practice self-help.

As Ranking Member of the Subcommittee on Aging, I am pleased to report that last week the Health, Education, Labor, and Pensions Committee unanimously approved a bipartisan bill to reauthorize the Older Americans Act (OAA). This bill included the caregiver support title, which is strongly supported by the entire aging community. As I work with Senators JEFFORDS, KENNEDY, and DeWINE and our colleagues in the House to pass the OAA reauthorization in September, I want to strongly urge fellow appropriators in the House and Senate to fund these vital caregiver support services as close as possible to the full funding level. Thirty million Americans are waiting for Congress to act.

Second, I think it is important that this bill includes the Long-Term Care Security Act. This bill would enable federal, state, and private employers, retirees, and their families to purchase long-term care insurance at group rates (projected to be 15-20 percent below the private market). It would create a model that private employers can use to establish their own long-term care insurance programs. As our nation’s largest employer, the federal government can be a model for employers around the country whose workforce will be facing the same long-term care that nursing workers and Latino’s largest employer also raises awareness and education about long-term care options.

Yesterday, the Senate passed the Long-Term Care Security Act (H.R. 4040). I am proud to be the lead Democratic sponsor of the Senate companion to this bill, S. 2420, because it gives people choices, flexibility, and security. Families will have an additional option available to them as they look at their long-term care choices. This provision would also help reduce reliance on federal programs, like Medicaid, so the American taxpayer benefits.

This legislation also provides people with flexibility because it allows them to receive care in different types of settings. They may choose to be cared for in the home by a family caregiver—or they may need a higher level of care that nursing workers and long-term care choices. This provision would also help reduce reliance on federal programs, like Medicaid, so the American taxpayer benefits.

Long-term care insurance also provides family and friends with security. Family members will not be burdened by trying to figure out how to finance health care needs—and beneficiaries will be able to make informed decisions about their future.

Finally, I am pleased that the bill we have introduced includes bipartisan legislation that I have previously sponsored, the Seniors’ Access to Continuing Care Act (S. 1142). This legislation protects seniors from treatment in the setting of their choice and ensures that seniors who reside in continuing care communities, and nursing and other facilities have the right to return to that facility after a hospitalization, even if the insurer does not have a contract with the resident’s facility.

Across the country seniors in managed care plans have discovered too late that after a hospital stay, they may be forced to return to a facility in the plan’s provider network and not to the continuing care retirement community or skilled nursing facility...
where they live. No senior should have to face this problem. In Maryland alone, there are over 12,000 residents in 40 continuing care retirement communities and 24,000 residents in over 200 licensed nursing facilities. I have visited many of these facilities and heard from resident operators about this serious and unexpected problem.

Residents choose and pay for facilities like continuing care retirement communities (CCRC’s) for the continuum of care, safety, security, and peace of mind. Aging in place is a logical choice for those who can afford it. Friends, family, and familiar staff and faces are crucial to a speedy recovery. Where you return after a hospital stay should be based on humanity and choice, not the managed care company’s bottom line.

Specifically, the Senators’ Access to Continuing Care Act protects residents of CCRC’s and nursing facilities by enabling them to return to their facility after a hospitalization; and requiring the managed care company (MCO) to cover the cost of the care, even if the insurer does not have a contract with the resident’s facility. Certain conditions must be met.

This legislation also requires an insurer or MCO to provide coverage to a beneficiary for services provided at a facility in which the beneficiary’s spouse already resides, even if the facility is not under contract with the MCO. Certain requirements must be met. These provisions are an important part of our safety net for seniors.

I want to salute the strong leadership of the other cosponsors of this legislation who have authored various provisions of this comprehensive bill that we have joined together to introduce today. I know that all the cosponsors are sincerely committed, as I am, to addressing the challenges facing our aging population. I look forward to working with all of them to enact this important legislation.

Mr. AKAKA. Mr. President, it is with great pleasure that I cosponsor the Omnibus Long-term Care Act of 2000, introduced by Senator GRAHAM. The cosponsors of this legislation are well known for their commitment to en- couraging all Americans to prepare for their own long-term needs.

Many Americans mistakenly believe that Medicare and their regular health insurance programs will pay for long-term care. They do not. Although Medicare provides some long-term care support, an individual generally must “spend-down” his or her income and assets to qualify for coverage.

More and more Americans are requiring long-term care. About 6.4 million Americans, aged 65 or older, require some long-term care due to illness or disability. Over five million children and adults under the age of 65 also require long-term care because of health conditions from birth or a chronic illness developed later in life. Only 12 percent receive care in nursing homes or other institutional settings.

The need for long-term care is great. In 20 years, one in six Americans will be age 65 or older. By the year 2040, the number of Americans age 85 years or older will more than triple to over 12 million. The cost of nursing home care now exceeds $40 billion per year in most parts of the country, and home care visits for nursing or physical therapy runs about $100 per visit. In 1996, over $10 billion was spent on nursing homes and home health care. However, this figure does not take into account that over 80 percent of all long-term care services are provided by family and friends.

In my own state of Hawaii, 13.2 percent of the population is 65 years and older. Although Hawaii enjoys one of the highest life expectancies—79 years, compared to a national average of 75 years—the state’s rapidly aging population will greatly impact available resources for long-term care, both institutional and from non-institutional sources. Hawaii’s long-term care facilities are operating at full capacity. According to the Hawaii State Department of Health, the average occupancy rate peaked at 97.8 percent in 1994. But occupancy remains high. By 1997, the average occupancy dropped to 90 percent.

These statistics point to the overriding need to help American families provide dignified and appropriate care to their parents and relatives. We know that the demand for long-term care will increase with each passing year, and that federal, state, and local resources cannot cover the expected costs. Nursing home costs are expected to reach $76,000 by the year 2030. This figure does not take into account that make long-term care insurance available to a broad segment of the population. As the ranking minority member of the Subcommittee on Federal Services, I co-chaired a hearing on long-term care insurance on May 16, 2000. We heard testimony on S. 2420, legislation to authorize the Office of Personnel Management to contract with one or more insurance carriers for long-term care insurance for federal and postal employees and their families. As a cosponsor of that bill, I am pleased that just last night, the Senate passed our measure after substituting the text of S. 2420 under H.R. 4040, the House long-term care bill for the federal family. The bill, as amended, also includes provisions of S. 1232, the Federal Erroneous Retirement Coverage Corrections Act, which I cosponsored with Senator COCHRAN last year. These provisions will provide relief to the estimated 20,000 federal employees who, through no fault of their own, found themselves in the wrong retirement system. H.R. 4040, as amended, offer a model for the private sector. I am de- lighted that similar legislation providing long-term care insurance for federal employees and military personnel is included in Senator GRAHAM’s bill, and I welcome the opportunity to join with him in helping Americans meet their long-term care needs in a dignified manner.

The bill introduced today provides a comprehensive effort to address our citizens’ long-term care needs. Among its provisions are the authorization of a phased-in tax deduction for the purchase of qualified long-term care insurance, implementation of the National Family Caregiver Support Program, restoration of $2.38 billion authorization for the Social Security Block Grant, and creation of a national public information campaign.

Mr. President, I am pleased to be an original sponsor of this bill.

By Mr. ROBB (for himself, Mr. DASCHLE, Mr. Baucus, Mr. Breaux, Mr. Dodd, Mr. Dorgan, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Leahy, Mr. Lieberman, Mrs. Lincoln, Mr. Reid, Mr. Rockefeller, Mr. Schumer, Mr. Smith, Mr. Dasin, Mr. Harkin, and Mr. Bayh) S. 2936. A bill to provide incentives for new markets and community development, and for other purposes; to the Committee on Finance.

Mr. ROBB. Mr. President, I rise today to introduce the Creating New Markets and Empowering America Act of 2000, which is designed to strengthen and revitalize low and moderate income communities across America.

Because we made some tough choices to balance our budget, we have the first federal surplus since Lyndon Johnson was President. And now is the time to give some back, particularly to those who have had so much of our economic prosperity. This legislation would pump new capital into our nation’s inner cities and isolated rural communities—areas that have had a difficult time building up from within.

The legislation contains three “New Markets” initiatives designed to attract and expand new capital into low to moderate income areas. First, a New Markets Tax Credit would infuse $15 billion in investments over the next 7 years through a 30 percent tax credit for businesses who provide capital to lower income communities. Secondly, the bill authorizes the designation of America’s Private Investment Companies (APIC’s) which would receive federal matching funds for private investments made in lower income areas. This provision would allow $1 billion in federal low-cost loans to match $500 million in private investment. Thirdly, the bill would create a new class of venture capital funds to participate in the operation and administration of operating businesses in lower income areas, who have growth potential, so they can continue to expand.
The bill also requires mandatory funding for Round II Empowerment Zones (EZ’s) and Enterprise Communities (EC’s) and creates a new set of Round III EZ’s.

Mr. President, the mandatory funding of the empowerment zones is critically important to the citizens of Norfolk and Portsmouth, Virginia. The Federal Government made a commitment to these two communities—they need and deserve the funding—and I am determined to get the check in the mail. Under this legislation the Norfolk-Portsmouth Empowerment Zone would be guaranteed the remaining $94 million it was promised when it competed for the Empowerment Zone designation.

The legislation I’m introducing today also creates 40 Renewal Communities—which reflect the agreement between President Clinton and Speaker Hastert—along with a host of tax provisions to expand and revitalize housing.

Very important to my home state of Virginia, this bill contains legislation I introduced earlier this year (S. 2445) to assist communities affected by job loss due to trade. The Assistance in Developing Communities Act (AID for Communities Act) both assists communities in developing a plan to retool their economies and offers financial assistance and tax incentives to help communities implement those plans.

Mr. President, the AID for Communities Act is immensely important to the people of Martinsville, Virginia—who have suffered economic devastation from the recent closing of a Tultex plant. This bill would give the citizens of Martinsville the urgent assistance they need to strengthen their economy and create a more vibrant future for all who live there.

Finally, Mr. President, this legislation includes two new initiatives to help states and other community organizations better participate in federal grant programs. Specifically, it requires the Substance Abuse and Mental Health Services Administration to provide assistance in a manner similar to HUD’s Office of Community and Faith-Based Organizations to assist faith-based and community organizations in applying for federal grant funds to provide substance abuse treatment. It would also require the IRS to provide guidance and make information available to faith-based and community organizations in establishing tax-exempt entities that can be used to operate social services.

Many of these organizations are unfamiliar with the process necessary to set up a tax-exempt organization and are, therefore, unable to participate in federal grant programs. This provision would provide them with the necessary information and assistance.

Mr. President, the Creating New Markets and Empowering America Act of 2000™ will spur economic growth in low to moderate income communities across our nation. As such, it will improve the lives of countless Americans. I urge my colleagues to support this important legislation. Mr. BAUCUS. Mr. President, I rise today to cosponsor the Creating New Markets and Empowering America Act Act of 2000™. It is a way to see this unprecedented prosperity. However this prosperity has not reached every American equally. The boom on Wall Street has not reached Main Street in many regions of our nation. The problem is quite simple: small, lower income communities are unable to attract the investment capital that is allowing more affluent areas to flourish. As the United States economy continues to grow it has become more and more apparent that attracting capital to these communities is one of the largest challenges facing the private sector and all levels of government.

It is important to keep in mind that this is not just an urban problem. Many rural communities, especially those that rely on agriculture, are watching their jobs disappear with nothing on the horizon in the form of new business or industry to offer much hope. My home state of Montana is facing this economic turmoil right now. A cattle, wheat, dairy, agriculture, mining, and timber has watched these industries diminish to the point that Montana is now 50th in per-capita income relative to other states—dead last.

We often hear the phrase “digital divide.” Well, Montana is standing on the edge of an economic divide, but we are not quitters. Montana has much to offer. We have an unparalleled quality of life, a highly-educated work force, a burgeoning high-tech sector, and top-notch schools. In many respects, we are right on the cusp of an economic upswing. However, we are having an extremely difficult time attracting the investment capital that we need to begin our long climb back up to economic stability and prosperity.

Mr. President, today I join my colleagues to introduce comprehensive legislation aimed at spurring economic development and person empowerment in our inner cities and isolated rural areas. Our economy is booming, and has been for most of the 90s, yet there are still individuals and families who are struggling.

What we’ve tried to do is develop economic incentives that will encourage business development and remove barriers that make it hard for entrepreneurs and community organizations and individuals to build healthy communities.

Among the many important initiatives in this bill is my new markets legislation that I introduced last September. S. 1594, the Community Development and Venture Capital Act, which passed the Senate Committee on Small Business today, and as part of the Clinton/Hastert package in the House yesterday. It also includes full funding for Round II of Empowerment Zones.

The Community Development and Venture Capital Act has three parts: a
venture capital program to funnel investment money into distressed communities; Senator WELLSTONE’s program to expand the number of venture capital firms and professionals who are devoted to investing in such communities; and other programs to build established, successful businesses with small businesses owners in stagnant or deteriorating communities in order to facilitate the learning curve.

The venture capital program is modeled after the Small Business Administration’s successful Small Business Investment Company program. As SBA Administrator Alvarez pointed out just last week in a Small Business Committee hearing, the SBI program has been so successful that it has generated more than $19 billion in investments in more than 13,000 businesses since 1992. And, in the past five years, the SBI participating communities program has returned over $7 million in profits, virtually paying for itself for the past nine years.

As successful as that program is, it does not sufficiently reach areas of our country that need economic development the most, out of the total $42 billion that SBICs invested last year, only 1.6 percent were deals of less than $1 million dollars in LMI areas. Two, only $1.1 million of that $4.2 billion went to LMI investments in rural areas. Three, in 1996, 83 percent of SBIC deals were $10 million and more.

In broader terms, the economy is booming. Since 1993, almost 21 million jobs have been created. Since 1992, unemployment has dropped from 9.6 percent to 4 percent. In the past two years, we’ve paid down the debt $140 billion, and CBO currently projects a surplus of $176 billion. Some estimates even say more than $2 trillion. In spite of these impressive numbers, one out of five children grows up in poverty and there are pockets of America where unemployment is as high as 14 percent.

We can make a difference by investing in a new industry of community development. Capital funds that target investment capital and business expertise into low- and moderate-income areas to develop and expand local businesses that create jobs and alleviate economic distress. The existing 25 or 30 Community development venture capital funds have set out to demonstrate that the same model of business development that has driven economic expansion in Silicon Valley and Route 128 Massachusetts can also make a powerful presence in areas like the inner-city areas of Boston’s Roxbury or New York’s East Harlem, or the rural desolation of Kentucky’s Appalachia or Mississippi’s Delta region.

Peabody Board Chairman Alan Greenspan says “Credit alone is not the answer. Businesses must have equity capital before they are considered viable candidates for debt financing.” He emphasizes that this is particularly important in lower-income communities.

What I’m trying to do as Ranking Member of the Small Business Committee, and have been working with the SBA to achieve, is expand investment in our neediest communities by building on the economic activity created by loans. I think one of the most effective ways to do that is to spur venture capital investment in our neediest community. I'm pleased that Senator Roms and my other colleagues agreed to include this powerful economic development plan in this legislation.

Switching to another provision in this bill, this legislation builds on the President’s and Speaker’s agreement by securing full, mandatory funding for Massachusetts’ Empowerment Zone. As I said earlier, this passed the full House yesterday by a vote of 394 to 27. Full, mandatory funding is important because, so far, the money has dribbled in—only $6.6 million of the $100 million authorized over ten years—and made it impossible for the city to implement a plan for economic self-sufficiency. Some communities, particularly, such as communities from universities to technology companies to banks to local government, showed incredible community spirit and committed to matching the EZ money, eight to one. Let me say it another way—they agreed to match the $100 million in Federal Empowerment Zone money with $800 million. Yet, regrettably, in spite of this incredible alliance, the city of Boston has not been able to tap into that leveraged money and implement the strategies that haven’t held up its part of the bargain. I am extremely pleased that we were able to work together and find a way to provide full, steady funding to these zones. That money means education, daycare, transportation and basic health care in areas—in Massachusetts that includes 57,000 residents who live in Roxbury, Dorchester and Mattapan—where almost 50 percent of the children are living in poverty and nearly half the residents over 25 don’t even have a high school diploma.

Mr. President, I thank my colleagues for their work on this important legislation.

Mr. LEAHY. Mr. President, I rise today to give my support to the Creating New Markets and Empowering America Act of 2000. In a time of unprecedented economic prosperity, there are too many communities in this nation that are beleaguered by crumbling infrastructures and stagnant economies. This legislation will help attract capital, produce much-needed housing, and encourage private investment to communities most in need.

I am proud to join in cosponsoring this legislation and would like to thank Senator Roms for all his hard work in crafting this bill. Of particular importance to my home state of Vermont are increases in the Low Income Housing Tax Credit and Private Activity bonds.

Vermont is currently in the middle of an affordable housing crisis. Production has stalled and demand has risen.

In Chittenden County, one of Vermont’s most populated areas, residents face a rental vacancy rate of less than one percent. Housing costs are so expensive, middle income families are being forced into hotels, college dorms, homeless shelters, or left out on the streets. Sadly, this is a situation that is being repeated nationwide.

As funding for other federal housing assistance programs has diminished, states depend more and more on the LIHTC and private activity bonds to finance affordable housing projects. The LIHTC has been extremely successful since its enactment as part of the Tax Reform Act of 1986. Today, the LIHTC is one of the primary tools that states have to attract private investment in affordable rental housing. In Vermont, the LIHTC has made possible the production, rehabilitation, and preservation of over 2,600 affordable apartments since 1987. Unfortunately this credit has not been increased since its creation nearly fourteen years ago.

Today, the demand for tax credits far exceeds their availability. This year in Vermont, over $2.5 million in credits were requested but only $718,000 were available.

I am pleased that this bill raises the annual per capita allocation of tax credits from $1.25 to $1.75 and indexes the credit to inflation. In addition to the increased per capita allocation, I hope to work a small state minimum. Such a floor would help to ensure that small states like Vermont have access to the resources they need to provide affordable housing for every resident in need.

Private activity bonds also play an important role in providing affordable housing for Vermonters. In 1986 the Federal Tax Reform Act limited the amount of tax-exempt bonds that each state could issue to no more than $50 per capita. There has not been an inflation adjustment to the cap since its inception.

The Vermont Housing Finance Agency (VHFA) has issued over $1.25 billion in private activity bonds since 1974, bonds which have helped make the dream of home ownership a reality for over 20,425 Vermont households. I am pleased that this bill includes a cap increase from $50 to $75 per capita which will help Vermont’s finance agencies continue this success.

Again, I am proud to be a cosponsor of this bill which will offer many households, businesses and communities new opportunities as we enter the 21st century. I urge my colleagues to join me in support of this legislation.

By Mr. DOMENICI (for himself, Mr. WYDEN, Mr. GRASSLEY, and Mr. KERREY):

S. 2937. A bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in annual Medicare+Choice capitation rates and for other purposes; to the Committee on Finance.
Mr. DOMENICI. Mr. President, I rise today with some very distinguished colleagues from both sides of the aisle—Senator Grassley, who is here, and Senator Wyden, who is not here— who are cosponsors of this measure, along with Senator Bob Kerrey of Nebraska.

Mr. President, let me suggest for Senators' staff, who are looking at this to look alphabetically. You will find how much is being reimbursed in your cities for the Medicare+Choice reimbursement. Look at it, and you will see how the HMOs are reimbursed to provide that good, fair, and competitive coverage to the senior citizens. You will be astounded. Many people think New York is covered. They are getting a very high rate of reimbursement because they started high. But look at some of the cities that are under $450. We reimburse them on the high level—higher than $800.

That bill, we are introducing today, we are going to call the Medicare Geographic Fair Payment Act. Week after week, the Federal Government deducts a portion of everyone's paycheck to support the Medicare program. After our seniors have retired and begun to take advantage of the program they have supported for so many years, I think it is fair that they continue to have a choice.

Right now they have a choice, but the choice is really not for all seniors because we made a decision when we put in the Medicare+Choice Program, which was really an alternative that seniors could choose. We made a decision as to how we would reimburse the providers. It was made upon, as I understand from my good friend, Senator Wyden—allegedly based on what they needed to get the job done to get the program going. I think it is fair to understand this.

I very much thank the Senators who are cosponsoring, Senators Wyden, Grassley, and Bob Kerrey of Nebraska. We will have more.

There being no objection, the matter was ordered to be printed in the Record.

Mr. Wyden, perhaps, could intervene and tell me what it is in Portland.

Mr. Wyden. S. 2937

S. 2937

Mr. Domenici. Mr. President, I rise today with some very distinguished colleagues from both sides of the aisle—Senator Grassley, who is here, and Senator Wyden, who is not here—who are cosponsors of this measure, along with Senator Bob Kerrey of Nebraska.

Mr. President, let me suggest for Senators' staff, who are looking at this to look alphabetically. You will find how much is being reimbursed in your cities for the Medicare+Choice reimbursement. Look at it, and you will see the disparity which he calls personalized.

Mr. Domenici. It is pretty easy for everybody to understand. This is not a complicated bill. What we are doing is saying for those metropolitan areas which are $250,000 or more, the minimum reimbursement will be $525. If we can’t get that through here to preserve some of these plans where seniors are just falling off the log, desperately getting their notices, and raising it to $525, then I don’t know what is fair around here anymore. For all the rural counties, we have raised the minimum to $475.

My friend, Senator Wyden, can talk about his State and about his observations. Clearly, he has been asking everybody around here, including the Budget Committee, to have hearings on this great disparity which he calls penalizing efficiency.

The truth of the matter is in my home city and in my State of New Mexico, what is happening, the HMO companies can no longer stay in business. Seniors are getting notified. In fact, we don’t have a lot of people under this program—15,000 are going to get off the roll right now. I think it is very soon. If you think they are not going to meetings, they met with Heather Wilson, one of our representatives, and 400 people showed up because they read in the newspaper she was holding a meeting and they already got their notices: Come January, find a new plan. They are asking: Why? The plan is good. It is very good for me. I have been paying all my life. Why are you taking this away?

I ask Senators to take a look. In my case, we will get $34 million in additional reimbursements during the first year and $170 out of this bill. Incidentally, this bill will cost $700 million the first year. I say to the thousands of seniors who may be able to keep their insurance and be under this kind of program, that is a pretty good bargain. Over 5 years, it will cost $3.7 billion.

It also includes a third provision with Senator Grassley. It is the product of some very wise thinking by Senator Grassley. It should have been separately called the Grassley bill, but it is packaged in this as our third title. It says essentially hospitals will hereafter be reimbursed on labor costs—on what the actual cost is, not on what the stated cost is. That makes the payment to hospitals go up substantially. My small State will go up about $6.5 million over the year. I don’t know what it would be in a State such as Ohio, but it would be rather substantial.

I have extensive research, with cities alphabetically listed. Just look for your city and see what the reimbursement rate is. If it is under $525, we will take it to $525. If there are rural counties that are not in these lists, call home and ask what some of the counties are getting reimbursed. Raising it to $525 will help a lot of people. Is it enough? I don’t know. I want to get something done. My friend wants to get something done, as do my two cosponsors. I assume in a couple of days or a week we will have a lot more Senators, bipartisan, asking to be on this.

I remind everyone, the total cost of doing a bit of fairness to seniors and ending discrimination by region is going to be $700 million in the first year and $3.7 over 5. We have been talking about astronomical numbers for Medicare reform, prescription drugs. I don’t know where we will end up. I hope in the heat of this political 6 weeks we don’t do anything major, because it will be wrong, but clearly we have to do something.

Come January 1, if we don’t put money into this reimbursement program, I think my friend, who has followed this carefully, will say hundreds of thousands of seniors be denied the option to buy coverage which they think is rather good in many cases, including prescription drugs, for which they only have to pay $50 extra. They can’t get that anywhere else. They get extensive coverage of items in their health care needs that are not covered anywhere.

I very much thank the Senators who are cosponsoring, Senators Wyden, Grassley, and Bob Kerrey of Nebraska. We will have more.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2937

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

TITLE I. SHORT TITLE.

This Act may be cited as the “Medicare Geographic Fair Payment Act of 2000”.

CONGRESSIONAL RECORD — SENATE 7679
SEC. 2. IMPROVED ACCESS TO MEDICARE-CHOICE PLANS THROUGH AN INCREASE IN THE ANNUAL MEDICARE-CHOICE CAPITATION RATES.

Section 1853(c)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1395w-23(c)(1)(B)(ii)) is amended—

(1) by striking "(ii) For a succeeding year" and inserting "(ii)(I) Subject to subclause (II), for a succeeding year"; and

(2) by adding at the end the following new subclause:

"(II) For 2001 for any area in any Metropolitan Statistical Area with a population of more than 250,000, $325 (and for any area outside such an area, $475)."

SEC. 3. REQUIREMENT THAT THE ACTUAL PROPORTION OF A HOSPITAL'S COSTS ATTRIBUTABLE TO WAGES AND WAGE-RELATED COSTS BE WAGE-ADJUSTED.

(a) In General.—The first sentence of section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by striking "... (as estimated by the Secretary from time to time of hospitals' costs) and inserting "(of each hospital's costs (based on the most recent data available to the Secretary with respect to the hospital)"

(b) Special Rule for Hospitals Located in Puerto Rico.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended by adding at the end the following new sentence: "In the case of a hospital located in Puerto Rico, the first sentence of this subparagraph shall be applied as in effect on the day before the date of enactment of the Geographic Adjustment Fairness Act of 2000."

(c) Effective Date.—The amendments made by this section shall apply with respect to discharges occurring on or after January 1, 2001.

### TABLE 1.—AVERAGE MEDICARE-CHOICE PAYMENT RATES PER AGED BENEFICIARY, PER MONTH, PER COUNTY IN METROPOLITAN STATISTICAL AREAS AND PRIMARY METROPOLITAN STATISTICAL AREAS, FY 2000

<table>
<thead>
<tr>
<th>Population</th>
<th>Metropolitan statistical area</th>
<th>State and county name</th>
<th>2000 payment rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Atlanta, GA MSA</td>
<td>GA DeKalb</td>
<td>$676.30</td>
</tr>
<tr>
<td>2</td>
<td>Albany-Schenechateny-Troy, NY MSA</td>
<td>NY Rensselaer</td>
<td>517.50</td>
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<td>2</td>
<td>Albuquerque, NM MSA</td>
<td>NM Doña Ana</td>
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<td>2</td>
<td>Allentown-Bethlehem-Easton, PA MSA</td>
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<td>2</td>
<td>Ann Arbor, MI PMSA</td>
<td>MI Wayne</td>
<td>553.05</td>
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<td>2</td>
<td>Appleton-Oshkosh-Neenah, WI MSA</td>
<td>WI Outagamie</td>
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<td>2</td>
<td>Austin, TX MSA</td>
<td>TX Travis</td>
<td>457.53</td>
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<td>Baltimore, MD MSA</td>
<td>MD Harford</td>
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<td>Baton Rouge, LA MSA</td>
<td>LA Ascension</td>
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<td>Beaverton-Port Arthur, TX MSA</td>
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<td>Bergen Passaic, NJ PMSA</td>
<td>NJ Passaic</td>
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<td>Brownsville-Harlingen-San Benito, TX MSA</td>
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<td>1</td>
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<td>NY Niagara</td>
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<td>Rank</td>
<td>City, State or Area</td>
<td>Population</td>
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1 1-unit greater than 1 million; 2=250,000 to 1 million.

Source: This table was prepared by the Congressional Research Service using data from the Health Care Financing Administration.

Note: A Metropolitan Statistical Area is a city with 50,000 or more inhabitants, or a Census Bureau-defined urban area of at least 50,000 inhabitants, and a total metropolitan population of at least 100,000 (75,000 in New England).

This study specifically examines MSAs that contain 250,000 or more inhabitants. If an MSA has a population of over 1 million and the population can be separated into component parts, then the primary component part is designated the Primary Metropolitan Statistical Area (PMSA). For more information see, [http://www.census.gov/pophub/www/estimates/aboutmetro.html](http://www.census.gov/pophub/www/estimates/aboutmetro.html).
Mr. WYDEN. Mr. President, before he leaves the floor, I thank the chairman of the Budget Committee for the opportunity to be involved in this issue. I think the chairman has said it very well. In effect, what he has done is make the case for why the bill we are proposing is absolutely essential to modernize the Medicare program, and just keep sending you big checks.

Mr. President, this country is petrified about their future health care dollar. We hear about it very bluntly from all the states, including Oregon and New Mexico and so many other States, the present Medicare reimbursement system is literally driving HMO plans out of the program and leaving seniors across this country petrified about their future health care in their communities. What senior after senior asks at this point is how can it be that since they pay the same amount for hospitalization and outpatient services, if they live in Pendleton or they live in Portland, they pay the same amount for outpatient and hospitalization services as seniors in other parts of the country who are not taking steps to hold down your costs and we are not going to give you any consequences as a result.

That makes no sense to Senator DOMENICI and me and our cosponsors. I know it makes no sense to the Presiding Officer because he and I have talked about this innumerable times. We tried to boost reimbursement rates for the people of Oregon. We have to change the Medicare program to eliminate the discrimination against communities that control costs while offering good quality care.

Our bipartisan legislation is not just a one-time infusion of money. We structured it so that money becomes part of a base for future increases, which in my view helps to jump-start what Congress intended several years ago by passing legislation to promote a nationwide blended rate.

We all understand that at present, as we look to the last days of the session, with the budget surplus, it is going to be possible to use a portion of that surplus, after we have helped pay down the debt, after hopefully there is a targeted tax cut, at that point, we will have some dollars to take the steps to better meet the health care needs of older people and also jump start the modernization of the Medicare program.

Our legislation, I hope, will be part of that effort. I think Chairman DOMENICI and Senator GRASSLEY, among our cosponsors, are very likely to be in the room at the end of the day when that legislation is being offered. I and others are going to do our best to support those efforts in the Budget Committee. I know the Presiding Officer and I have used every opportunity to raise these issues, and we are going to continue to do so.

Our State has been a pioneer in the health care reform area. We are proud of the fact that we are the first State in the country to have made tough choices about health care priorities through the Oregon health plan. We are proud of the fact that we have been able to introduce more choices and more competition to the health care system and, as a result, seniors in our State are able to get more for their health care dollar.
It is not right for older people in Oregon, New Mexico, Iowa, and in other States where they have done the heavy lifting and they have taken steps to hold down their costs, to be discriminated against by the Federal Government.

This bipartisan legislation, in my view, is going to help keep HMOs that are currently in the program in the program, and it will begin the process of bringing back to Medicare some of those we have lost because they have been discriminated against in the past with respect to reimbursement and they could not keep their doors open.

We will be talking about this legislation frequently in the last few days of this Congress and in the fall, and I believe passing this legislation, as we look at that final budget bill that is sure to be part of our fall debates, that this is one of the best ways we can target dollars that need to be spent carefully so as to maximize the values of what we are getting in health care for older people.

Mr. President, I yield the floor.

Mr. Voinovich. Mr. President, I could not help but hear the words of Senator Wyden and Senator Domenici about the terrible situation we face across this country today in regard to HMOs dropping senior citizens off the Medicare Plus Choice Program.

While I was Governor of the State of Ohio, we had several instances where people were thrown off the rolls of their HMO and forced to be without any kind of supplemental insurance or prescription drug benefits. It is a growing epidemic today in the United States of America. I want to go on record in support of the legislation of Senator Wyden and Senator Domenici. In fact, earlier today I asked Senator Domenici if I could be a cosponsor of this legislation.

It is important to point out that some $102 billion in projected Medicare costs in 2000 is generated by the fact that projected Medicare costs are coming in far below what they anticipated because of the formula that was adopted in 1997. It seems to me we ought to look at the situation as it really is, increase the reimbursement to those HMOs so individuals can stay in those programs, and so they don’t have to buy Medigap insurance to cover out-of-pocket expenses and prescription drugs.

It seems to me it should be our responsibility to make sure those who are now covered remain covered and not be thrown out on the street. I have read so often: Don’t worry about those people, somebody else will pick them up, or they can go to fee for service. When they go to fee for service, they don’t get their 20 percent out-of-pocket paid for, nor does Medicare pick up prescription drugs.

It is time for this Congress to step in and change the system, increase the reimbursement, keep those individuals who are on Medicare Plus Choice Programs so they can maintain coverage for out-of-pocket expenses and maintain the prescription drug coverage they have.

Mr. Grassley. Mr. President, I rise to note the introduction of the Medicare Plus Choice Payment Act of 2000. I’m very pleased to join Senators Domenici, Wyden, and Kerry in this effort. While we share the problem of low payment rates, Iowa and Nebraska are in a different situation than New Mexico, Arizona, or California. We are concerned about Medicare Plus Choice plans leaving, but for the most part we in Iowa are still waiting for plans to arrive. There are a number of things that have to fall into place for Medicare Plus Choice to be a reality in Iowa, but one of them is increasing payment rates.

I want to make sure that if Congress provides any relief in Medicare Plus Choice this year, that low-cost areas are not forgotten. We need to modify Medicare Plus Choice to be a truly national program.

There are two simple Medicare Plus Choice payment provisions in the bill. It would raise the minimum payment floor for all counties from the current $415 to $475 in 2001. This would primarily benefit rural and small urban areas, including the vast majority of Iowa. Secondly, it would establish a new minimum payment floor of $325 for all counties in Metropolitan Statistical Areas (MSAs) with populations exceeding 250,000. In Iowa, this would mean a substantial incentive for plans to enter the Des Moines and Quad Cities areas.

As I’ve said so often throughout the five-plus years that I’ve been working on this issue, people in low-cost states like Iowa pay the same payroll taxes as those in high-cost areas. So it’s a matter of simple fairness and equity that all seniors have access to the choices in Medicare that are available in Mar-a-Lago or on the west coast.

The problem with Medicare Plus Choice has been that payment rates are based on fee-for-service payment rates in the same county; thus, cost-effective regions like ours are punished. This makes sense for our first step toward breaking that unfortunate link in 1997, and I have high hopes that we will take another big step with this bill in 2000.

We in low-cost regions have to keep the fight for equity going on two fronts: Medicare Plus Choice payment, and traditional Medicare payment. The latter is harder for Congress to change, because we have to identify inequities in the various Medicare payment policies and fix them one by one. I thank my colleagues for including in this bill my earlier bill on the hospital wage index, which is one of those flaws in fee-for-service Medicare that cries out to be fixed.

I look forward to the Finance Committee’s Medicare discussions this fall; this is the kind of legislation that merits serious consideration there.

By Mr. Grassley (for himself, Mr. Rockefeller, Mr. Jeffords, and Mrs. Lincoln): S. 2939. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances; to the Committee on Finance.

The Resource Efficient Appliance Incentive Act.

Mr. Grassley. Mr. President, I rise today to introduce an extremely timely piece of legislation in light of the current energy crisis facing our nation. This legislation, entitled “The Resource Efficient Appliance Incentive Act,” will provide an incentive to accelerate and expand the production and market penetration of ultra energy-efficient appliances. Senator Rockefeller is joining me in this bipartisan effort, along with Senators Jeffords and Lincoln.

Earlier this year, the appliance industry, the Department of Energy, and the nation’s leading energy-efficiency and environmental organizations came together and agreed upon significantly higher energy efficiency standards for clothes washers and dryers to new energy efficiency standards for refrigerators that go into effect in July 2001, as well as the new criteria for achieving the voluntary “Energy Star” designation. This agreement is significant in terms of the fact that clothes washers and dryers, together with refrigerators, account for approximately 15 percent of all household energy consumed in the United States.

This legislation will provide a tax credit to assist in the development of super energy-efficient washing machines and refrigerators, and creates the incentives necessary to increase the production and sale of these appliances in the short term. Manufacturers would be eligible to claim a credit of either $50 or $100, depending on efficiency level, for each super energy-efficient washing machine produced between 2001 and 2006. Likewise, manufacturers would be eligible to claim a credit of either $50 or $100, depending on efficiency level, for each super energy-efficient refrigerator produced between 2001 and 2006. It is estimated that this tax credit will increase the production and purchase of super energy-efficient washers by almost 250 percent, and the purchase of super energy-efficient refrigerators by over 285 percent.

Equally important is the long-term environmental benefits of the expanded use of these appliances. Over the life of the appliances, over $70 billion gallons of water will be saved. This is the equivalent of taking 2.3 million cars off the road or closing 6 coal-fired power plants for a year. In addition, the clothes washers will reduce the amount of water necessary to wash clothes by 770 billion gallons, an amount equal to the needs of every household in the city the size of Phoenix, Arizona for two years. Most importantly, the benefits to consumers over the life of the washers and refrigerators from operational savings is estimated at nearly $1 billion.

In my home state of Iowa, this legislation would result in the production of...
1.5 million super energy-efficient washers and refrigerators over the next six years, requiring over 100 new production jobs. I also expect Iowans to save $11 million in operational costs over the life span of the appliances, and 9 billion gallons of water--enough to supply drinking water for the entire state for 30 years.

Lastly, I believe the total revenue loss of this credit compares extremely favorably to the estimated benefits of almost $1 billion to consumers over the life of the super energy-efficient clothes washers and refrigerators from operational savings.

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleagues, Senators GRASSLEY, JEFFORDS, and LINCOLN, in the introduction of legislation to establish a tax credit incentive program for the production of super energy-efficient appliances. This creative proposal will result in substantial environmental benefits for the nation at a very small cost to the government.

Our bill would provide for either a $50 or $100 tax credit for the production and sale of energy efficient washing machines and refrigerators. Today, these two appliances account for approximately 15 percent of the energy consumed in a typical home, which amounts to about $21 billion in energy expenditures annually. Although most Americans may not realize it, home appliances offer the potential for major energy savings for the nation.

Recently, several energy efficiency and environmental organizations joined with the appliance industry in endorsing considerably tougher energy-efficiency standards for washing machines and refrigerators. These proposed standards are now under active consideration by the Department of Energy for incorporation in new regulations. The new standards will result in tremendous energy-efficiency improvements that will have a significant environmental consequence over time. But there is a cost to these new minimum standards and, as we often find, reluctance on the part of industry and the public to incur the additional costs necessary to achieve higher energy efficiencies. Home appliances can be made more efficient but it would mean greater costs to consumers. I believe there is a necessary balance between the objective of obtaining higher energy efficiencies that reduce emissions and the higher product costs that result. This is as true with respect to the purchase of appliances as it is with respect to the automobile, electric power, and other markets. I also recognize that there are understandable limits to the costs that society is willing to bear through regulation to obtain higher energy savings that result in environmental benefits.

However, that is not necessarily the limit at which point energy savings can be achieved. While many consumers may not be willing to pay extra for more energy-efficient appliances, I believe they can be encouraged to do so through incentive programs. The legislation we are proposing today would do just that by giving manufacturers either a $50 or $100 tax credit for every super energy-efficient appliance produced prior to 2007. The idea is to give manufacturers a financial incentive to create the most appropriate incentives to get consumers to purchase washing machines and refrigerators that are the most energy-efficient. Through these tax credits we will accelerate the production of new, innovative, leading-edge technology that will make it possible to achieve the critical goal of green house gas emissions, the critical element in green house gas emissions, will be reduced by over 3.1 million metric tons. In addition, the super energy-efficient washing machines will reduce the amount of water necessary to wash clothes by 70 billion gallons, or approximately the amount of water necessary to meet the needs of every household in a state the size of West Virginia for nearly 2 years.

Mr. President, Mr. Hatch, earlier today, we approved the Helms substitute to H.R. 3519, "Global AIDS and Tuberculosis Relief Act of 2000." I was pleased to support this legislation, recognizing the need for our country to support an enhanced effort to prevent and treat AIDS and tuberculosis abroad.

I was pleased to work with Chairman HELMS, Senator BIDEN, Senator Frist, Senator Smith of Oregon, and other members of the Senate Foreign Relations Committee as this legislation was finalized, and, indeed, I want to work closely with them on our continuing efforts to address the problems of infectious diseases in the developing world.

For the reasons I will lay out today, I believe the aid we make possible in H.R. 3519 should be expanded to embrace not only HIV/AIDS and TB, but also malaria as well. In fact, I think it essential to make sure our foreign assistance program in Africa and the developing world coordinates its activities closely among these three diseases.

With the support of Chairman HELMS, Senator BIDEN, and Senator Frist in the Senate, and Chairman LEACH in the House of Representatives, I have drafted companion legislation to H.R. 3519 which make certain that U.S. efforts for all three diseases are well-coordinated.

Accordingly, I rise today to introduce S. 2940, the "International Malaria Control Act of 2000." The World Health Organization estimates that there are 300 million to 500 million cases of malaria each year. According to the Global Fund, more than 1 million persons are estimated to die due to malaria each year.
The problems related to malaria are often linked to the devastation of two other terrible diseases—Acquired Immunodeficiency Disease, that is AIDS, and tuberculosis. One of the unfortunate commonalities of these diseases is that they all ravage sub-Saharan Africa, vast parts of the underdeveloped world.

In addition to the one million malaria related deaths per year, about 2.5 million persons die from AIDS and another 1.5 million people per year die from tuberculosis.

The measure I introduce today centers on malaria control and calls for close cooperation among federal agencies that are charged with fighting malaria, AIDS, and TB worldwide.

According to the National Institutes of Health, about 40 percent of the world’s population is at risk of becoming infected. About half of those who die each year from malaria are children under nine years of age. Malaria kills five hundred thousand children.

Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa. In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

These high risk areas represent many of the world’s poorest nations which complicates the battle against malaria as well as AIDS and TB.

Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions. Research has found that pregnant mothers who are HIV-positive and have malaria are more likely to pass on HIV to their children.

“Airport malaria,” the importing of malaria by international aircraft and other conveyances is becoming more common as is the importation of the disease by international travelers themselves; the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported. Between 1978 and 1997, the malaria rate in the United States increased by about 40 percent.

In Africa, the projected economic impact of malaria in 2000 exceeds $3.6 billion. Malaria accounts for 20 to 40 percent of outpatient physician visits and 10 to 15 percent of hospital visits in Africa.

Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes. No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

Our nation must play a leadership role in the development of a vaccine for malaria as well as vaccines for TB and for the causal agent of AIDS, the human immunodeficiency virus—HIV. In this regard I must commend the President for his leadership in directing, back on March 2nd, that a renewed effort be made to form new partnerships to develop and deliver vaccines to developing countries. I also commend the Bill and Melinda Gates foundation for pledging a substantial $750 million in financial support for this new vaccine initiative.

The private sector appears to be prepared to help with this challenge as the four largest vaccine manufacturers, Merck, American Home Products, Glaxo SmithKline Beecham, and Aventis Pharma, have all stepped to the plate in the quest for vaccines for HIV/AIDS, TB and malaria. We must all recognize that the private sector pharmaceutical industry, in close partnership with academic and government scientists, will play a key role in the development of any vaccines for these diseases.

Among the promising developments in recent months has been Secretary Shalala directing the National Institutes of Health to convene a meeting of experts from government, academia, and the private sector to address impediments to vaccine development in the private sector. Another goal of this first in a series of conferences on Vaccines for HIV/AIDS, Malaria, and Tuberculosis, held on May 22nd and 23rd, was to foster public-private partnerships.

These ongoing NIH Conferences on Vaccines for HIV/AIDS, Malaria, and Tuberculosis will address three basic questions: what are the scientific barriers to developing vaccines for malaria, TB and HIV/AIDS? What administrative, logistical and legal barriers exist in the U.S. for TB and HIV/AIDS vaccines? And, finally, if vaccines are developed how can they best be produced and distributed around the world?

Each of these questions will be difficult to answer. Developing vaccines for malaria, TB, and HIV/AIDS will be a difficult task. While each vaccine will be different, there are commonalities such as the fact that the legal impediments and distributional issues may be very similar. Also, there is an unfortunate geographical overlap with respects to the epidemics of malaria, TB, and HIV/AIDS. Ground zero is sub-Saharan Africa.

So while the ultimate goal is to end up with three vaccines, we must be mindful that there is a close societal and scientific linkage between the tasks of developing and delivering vaccines and therapeutic treatments for those at risk of malaria, TB and HIV/AIDS worldwide.

While the greatest immediate need is clearly in Africa and in other parts of the developing world, the United States and my constituents in Utah stand to benefit from progress in the area of vaccine development.
At the request of Mr. Breaux, the name of the Senator from Florida (Mr. Mack) was added as a cosponsor of S. 191, a bill to conserve Atlantic highly migratory species of fish, and for other purposes.

S. 2274

At the request of Mr. Grassley, the names of the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Reid), the Senator from Georgia (Mr. Cleland), the Senator from Connecticut (Mr. Lieberman), and the Senator from Washington (Mr. Gorton) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2308

At the request of Mr. Bingaman, the names of the Senator from Maryland (Mr. Sarbanes), the Senator from Alabama (Mr. Sessions), the Senator from Arizona (Mr. McCain), and the Senator from Oregon (Mr. Smith) were added as cosponsors of S. 2308, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2316

At the request of Mr. Thurmond, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 2316, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2354

At the request of Mr. Gregg, the name of the Senator from Minnesota (Mr. Grams) was added as a cosponsor of S. 2354, a bill to amend title XI of the Social Security Act to prohibit the display of an individual’s social security number for commercial purposes without the consent of the individual.

S. 2700

At the request of Mr. L. Chafee, the names of the Senator from Louisiana (Ms. Landrieu), the Senator from New Jersey (Mr. Torricelli), the Senator from North Dakota (Mr. Dorgan), the Senator from Kentucky (Mr. Bunning), the Senator from New Hampshire (Mr. Gregg), the Senator from Tennessee (Mr. Frist), and the Senator from California (Mrs. Boxer) were added as cosponsors of 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.

S. 2703

At the request of Mr. Akaka, the names of the Senator from South Dakota (Mr. Johnson), the Senator from Massachusetts (Mr. Kerry), and the Senator from Minnesota (Mr. Grams) were added as cosponsors of 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.

S. 2734

At the request of Mr. Grassley, the names of the Senator from Massachusetts (Mr. Kerry) were added as a cosponsor of S. 2734, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2735

At the request of Mr. Santorum, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 2735, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2793

At the request of Mr. Hollings, the names of the Senator from North Carolina (Mr. Helms) and the Senator from Oregon (Mr. Wyden) were added as cosponsors of S. 2793, a bill to amend the communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2807

At the request of Mr. Feingold, the name of the Senator from Virginia (Mr. Warner) was added as cosponsor of S. 2807, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and to stabilize and improve the Medicare+Choice program, and for other purposes.

S. 2869

At the request of Mr. Hutchinson, the name of the Senator from Vermont (Mr. Jeffords) was added as cosponsor of S. 2869, a bill to provide of an investigation and audit at the Department of Education.

S. 2891

At the request of Mr. Hatch, the name of the Senator from Idaho (Mr. Craig) was added as cosponsor of S. 2891, a bill to provide religious liberty, and for other purposes.

S. 2894

At the request of Mr. Hatch, the name of the Senator from New Mexico (Mr. Bingaman) was added as cosponsor of S. 2894, a bill to provide for postmasters.

S. 2912

At the request of Mr. Kennedy, the names of the Senator from Vermont (Mr. Leahy), the Senator from Minnesota (Mr. Wellstone), and the Senator from South Dakota (Mr. Daschle) were added as cosponsors of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. CON. RES. 13

At the request of Mr. Lautenberg, the name of the Senator from California (Ms. Feinstein) was added as cosponsor of S. Con. Res. 13, a concurrent resolution expressing the sense of the Congress regarding manipulation of the mass and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation.

S.J. RES. 48

At the request of Mr. Campbell, the name of the Senator from Georgia (Mr. Cleland) was added as cosponsor of S.J. Res. 48, a joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

S. RES. 294

At the request of Mr. Abraham, the name of the Senator from West Virginia (Mr. Byrd) was added as cosponsor of S. Res. 294, a resolution designating the month of October 2000 as "Children’s Internet Safety Month."

S. RES. 301

At the request of Mr. Thurmond, the names of the Senator from New Mexico (Mr. Domenici) and the Senator from Tennessee (Mr. Thompson) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. Biden, the names of the Senator from Massachusetts (Mr. Kerry), the Senator from Maryland (Ms. Mikulski), the Senator from Virginia (Mr. Robb), and the Senator from Kansas (Mr. Roberts) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans’ contributions to the country and the designation of the week that includes Veterans Day as “National Veterans Awareness Week” for the presentation of such educational programs.

S. 399

At the request of Mr. Reid, the name of the Senator from Colorado (Mr. Campbell) was added as cosponsor of S. 399, a bill to establish a national policy of basic consumer fair treatment for airline passengers.
SENATE RESOLUTION 343—EXPRESSING THE SENSE OF THE SENATE THAT THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT SHOULD RECOGNIZE AND ADMIT TO FULL MEMBERSHIP ISRAEL'S MAGEN DAVID ADOM SOCIETY WITH ITS EMBLEM, THE RED SHIELD OF DAVID; TO THE COMMITTEE ON FOREIGN RELATIONS

Mr. FITZGERALD (for himself, Mr. LIEBERMAN, Mr. HAGEL, Mr. HELMS, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 343

Whereas Israel's Magen David Adom Society has since 1939 provided emergency relief to people in many countries in times of need, pain, and suffering, regardless of nationality or religious affiliation;

Whereas in the past year alone, the Magen David Adom Society has provided invaluable humanitarian services in Kosovo, Indonesia, Ethiopia, and Eritrea, as well as Greece and Turkey in the wake of the earthquakes that devastated these countries;

Whereas the American Red Cross has recognized the superb and invaluable work done by the Magen David Adom Society and considers the exclusion of the Magen David Adom Society from the International Red Cross and Red Crescent Movement "an injustice of the highest order";

Whereas the American Red Cross has repeatedly urged that the International Red Cross and Red Crescent Movement recognize the Magen David Adom Society as a full member, with its emblem;

Whereas the Magen David Adom Society utilizes the Red Shield of David as its emblem, in similar fashion to the utilization of the Red Cross and Red Crescent by other national societies;

Whereas the Red Cross and the Red Crescent have been recognized as protective emblems under the Statutes of the International Red Cross and Red Crescent Movement;

Whereas the International Committee of the Red Cross has ignored previous requests from the United States Congress to recognize the Magen David Adom Society;

Whereas the Statutes of the International Red Cross and Red Crescent Movement state that it "makes no discrimination as to nationality, race, religious beliefs, class or political opinions," and "it may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature";

Whereas although similar national organizations of Iraq, North Korea, and Afghanistan are recognized as full members of the International Red Cross and Red Crescent Movement, the Magen David Adom Society has been denied membership since 1949;

Whereas in the six fiscal years 1994 through 1999, the United States Government provided a total of $631,000,000 to the International Committee of the Red Cross and $32,000,000 to the International Federation of Red Cross and Red Crescent Societies; and

Whereas in fiscal year 1999 alone, the United States Government provided $119,500,000 to the International Committee of the Red Cross and $7,300,000 to the International Federation of Red Cross and Red Crescent Societies: Now, therefore, be it

Resolved, That—

(1) the International Committee on the Red Cross should immediately recognize the Magen David Adom Society and the Magen David Adom Society should be granted full membership in the International Red Cross and Red Crescent Movement;

(2) the International Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society;

(3) the Magen David Adom Society should not be required to give up or diminish its use of its emblem as a condition for immediate and full membership in the International Red Cross and Red Crescent Movement; and

(4) the Red Shield of David should be accorded the same recognition under international law as the Red Cross and the Red Crescent.

Mr. FITZGERALD. Mr. President, today I am introducing a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel’s Magen David Adom Society with its emblem, the Red Shield of David. I thank Senators LIEBERMAN, HAGEL, HELMS, and LUGAR for joining me as original co-sponsors of this important resolution.

The International Red Cross and Red Crescent Movement is the largest humanitarian network in the world. The Movement has many components, including the International Committee of the Red Cross—the Swiss-based founding institution of the Movement that serves as a neutral intermediary in armed conflict areas—and the International Federation of Red Cross and Red Crescent Societies (the Federation, which groups together the Movement’s 176 recognized national societies and facilitates international disaster relief and refugee assistance in non-conflict areas).

The Red Shield of David has been in use and recognized de facto since 1930 as the distinctive emblem of the medical and first aid services of the Jewish population in Palestine and, after 1948, the state of Israel. Israel signed the Geneva Conventions in 1949. The new state of Israel therefore attempted to have the Red Shield of David recognized in the Geneva Conventions as an alternative to the red cross, the red crescent, and the red lion and sun. In a secret ballot, however, Israel’s request was rejected. The end result was that Israel’s equivalent of the Red Cross, Magen David Adom (MDA), was relegated to non-voting observer status and thereby effectively excluded from the Movement.

In rejecting the Red Shield of David, and excluding Israel’s national society from the Movement, the 1949 diplomatic convention established the principle that only those already using an exceptional sign—that is, a non-Red Cross emblem—had the right to continue using it. All new national societies would have to adopt the Red Cross. However, the admission of 25 new Red Crescent societies since 1949 demonstrates the inconsistency with which this principle has been applied.

Despite MDA’s exclusion from the Movement, it has continuously played an active role in disaster assistance worldwide, recently helping to rescue trapped civilians following the 1999 earthquakes in Turkey and Greece. Israeli medical teams were also among the first to assist victims of severe flooding in Mozambique this year. ICRC officials have praised MDA for its "life-saving work," and report they have maintained "excellent working relations" with the MDA for decades.

The existing Protocols of the Geneva Conventions provide for two different uses of the Movement emblem: "protective," which is used for protective purposes in armed conflicts and requires the use of a single unique emblem, and "indicative," which is used for identification purposes in non-conflict circumstances, and therefore allows for the existence of several emblems. Currently, negotiations are underway to add a possible third Protocol to the Geneva Conventions to create a new neutral emblem and allow for MDA recognition with its emblem. However, before these negotiations can translate into formal recognition, significant procedural hurdles must be overcome, including super-majority votes of three bodies and ratification by member nations that could take years. Meanwhile, the American Red Cross has been pursuing other approaches that would allow for the recognition of MDA and its emblem without the introduction of a third Protocol.

The resolution I am introducing today would help facilitate the negotiating process by putting the Senate on record in support of MDA recognition at a critical time in these negotiations. The House of Representatives passed a similar resolution on May 3, 2000. The Senate, however, last announced its support of recognition of MDA and its emblem over 12 years ago.

Over the last six years, the United States Government has provided the ICRC and the Federation with $713 million. Once again, the United States Senate should urge the International Red Cross and Red Crescent Movement to recognize the Red Shield of David emblem and admit MDA for full membership in the Movement.

I urge my colleagues to support this resolution to encourage the International Red Cross and Red Crescent Movement to recognize Israel’s Magen David Adom society and its emblem, the Red Shield of David.
Mr. McCAIN (for himself and Mr. Gorton) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 344

Whereas, in 1999 the 6 largest hub-and-spoke airlines in the United States accounted for nearly 80 percent of the revenue passenger miles flown by domestic airlines,

Whereas, according to Department of Transportation statistics, a combined United Airlines and US Airways would result in at least 20 airline hub airports in the United States where a single airline and its affiliate air carriers would carry more than 50 percent of the passenger traffic;

Whereas, the Department of Transportation and the General Accounting Office have documented that air fares are relatively higher at those airline hub airports where a single airline carries more than 50 percent of the passenger traffic;

Whereas, a combined United Airlines and US Airways would hold approximately 40 percent of the air carrier takeoff and landing slots at the 4 high density airports, even taking into account the parties’ planned divestiture of slots at Ronald Reagan Washington National Airport;

Whereas, most analysts agree that a United Airlines-US Airways merger would lead to other merger in the airline industry, likely resulting in combinations that would reduce the 6 largest domestic hub-and-spoke airlines to 3 airlines;

Whereas, media reports indicate that American Airlines has made a tangible offer to purchase Northwest Airlines and that Delta Air Lines and Continental Airlines have engaged in merger negotiations;

Whereas, it is difficult for the Department of Transportation and other responsible Federal agencies of jurisdiction to disapprove subsequent airline merger proposals, that allows the largest domestic airline, in terms of total operating revenue and revenue passenger miles flown in 1999, United Airlines, to merge with the sixth largest airline, US Airways, making United Airlines substantially bigger than its next largest competitor;

Whereas, the 3 largest domestic airlines will have substantially increased market power, and would have the ability to use that market power to drive low fare competitors out of direct competition and to thwart new airline entry and existing competition;

Whereas, the Department of Transportation credits nearly all of the benefits of deregulation (a reported $6.3 billion in annual savings to airline passengers) to the entry and existence of low fare airline competitors in the marketplace;

Whereas, a combined United Airlines and US Airways, including their commuter airline partners, would be the only carrier offering nonstop flights between at least 26 domestic states;

Whereas, in 1999 United Airlines and US Airways enplaned 22 percent of all revenue passengers flown by domestic airlines;

Whereas, elimination from the major airline system of 3 airlines would likely result in less competition and higher fares, giving consumers fewer choices and decreased customer service;

Whereas, it is the role of the Senate Committee on Commerce, Science, and Transportation, and specifically the Subcommittee on Aviation, to conduct oversight of the aviation industry and to promote consumers’ receiving a basic level of airline customer service;

Whereas, the Air Transport Association member air carriers agreed to an Airline Customer Service Commitment to improve the current level of customer service in the airline industry;

Whereas, in an interim oversight report, the Department of Transportation Inspector General recently concluded that the results are mixed with respect to the effectiveness of the efforts of the major airlines to implement their Airline Customer Service Commitment;

Whereas, the combination of 2 entities as large as United Airlines and US Airways at least short-term disruptions in service;

Whereas, according to the Department of Transportation statistics for the month of May, a combined United Airlines and US Airways would have had the lowest percentage of on-time flight arrivals, the highest percentage of flight cancellations, the second highest rate of consumer complaints, and the second highest rate of mishandled baggage: Now, therefore, be it

Resolved by the Senate (the Sense of the Senate), it is the sense of the Senate that:

(1) the Senate expresses concern about the proposed United Airlines-US Airways merger because of its potential to leave consumers with fewer travel options, higher fares, and lowered levels of service; and

(2) it is the sense of the Senate that the potential benefits and competitive harm posed by the proposed United Airlines-US Airways merger outweigh the potential consumer benefits.

Mr. McCAIN. Mr. President, I am pleased to be joined by the Commerce Committee Aviation Subcommittee Chairman, Senator Gorton, to introduce a Senate resolution expressing our strong reservations about the proposed merger of United Airlines and US Airways.

Through Commerce Committee deliberations, Senator Gorton and I have carefully analyzed the proposed merger, as well as its long-term consumer effects. We conclude that whatever air travelers stand to gain from the merger is outweighed by what they stand to lose.

The public interest would likely be harmed by a United Airlines-US Airways merger. First, almost all analysts agree that the merger would trigger additional consolidation in the airline industry, reducing the number of hub-and-spoke carriers in the country would likely become the “big three.” Everything else being equal, basic economic principles suggest that consumers are better served by having six competitors in a market rather than three.

Even at the preliminary date, our experience bears out the prediction of additional industry consolidation. American Airlines has already made an offer for Northwest Airlines. Delta Air Lines and Continental have reportedly engaged in merger negotiations.

Consolidation among these network carriers poses additional problems for the flying public. The likely result of fewer carriers is more single-carrier concentration at hub airports across the country. Studies by the Department of Transportation, the General Accounting Office, and others consistently conclude that fare levels are relatively higher at hub airports “dominated” by a single carrier.

Important new entry in the airline industry would be hurt by consolidation among the major airlines. The mega-carriers would have additional resources to engage in fierce and protracted behavior designed to drive new competitors out of the market, and to single potential entrants that they dare not compete with the incumbent. Today, many new entrants simply choose not to enter the major airlines’ hub markets because they fear they cannot survive a sustained head-to-head battle. A United-US Airways merger, and the consolidation that would ensue, would further entrench the incumbent air carriers’ positions.

Indeed, that they are associated with the proposed United-US Airways merger. The carriers, for instance, tout “seamless” connections to international destinations, an expanded frequent flyer program, and similar benefits that are now limited to travelers on the United-US Airways system.

United and US Airways also applaud new service to a multitude of destinations as a consequence of the merger. It is the Sense of the Senate that the new service is made up of flights that are now offered by US Airways.

Again, the point is that the anti-competitive harm posed by the proposed United-US Airways merger outweighs its benefits. And that conclusion does not even take into account the customer service problems associated with integrating the work forces of two or more major carriers.

I want to underscore that this resolution is designed to express our concerns about the proposed United-US Airways merger. It does not seek to force any federal agency or department to take any specific action with respect to the proposed merger. However, our concerns for the consumer are of such a significant nature that we are compelled to introduce this resolution.

I ask unanimous consent to have printed the record in the Congressional Record in the name of the father of airline deregulation, Prof. Alfred Kahn. His letter outlines his preliminary concerns with the proposed United-US Airways merger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. JOHN MCCAIN, Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I’m very sorry that I am not before your Committee on June 20th, and hope that you will regard the arrival that day of
my son and his family from Australia, for a brief visit, as a sufficient reason. I particularly regret my inability to take advantage of that opportunity to renew our acquaintance.

Your Ann Choiniere has asked me to offer, as a substitute, a statement of my—as yet only provisional—opinions about the proposed merger of United Airlines and U.S. Airways. I am happy to do so, even though, to repeat, I have by no means a settled final opinion about whether or not it should be approved.

I do urge you to give careful consideration to its possible anticompetitive effects, however. The use of deregulation was that competition would best serve and protect consumers; that meant vigorous enforcement of the antitrust laws rather than direct regulation which would become critical in the new regime.

Primary responsibility for making this investigation rests, of course, with the antitrust agencies. It is my understanding, however, that the Antitrust Division’s resources are severely strained by their other obligations, including other proceedings specifically involving these airlines; if they lack the resources to look at this latest proposed merger with great care, it seems to me that would be a case of the government being penny-wise-doozy. Particularly because of the possible direct effects of this merger and, perhaps even more, because of its threatening to set off a series of imitative mergers that would substantially increase the concentration of the domestic industry, there is a possible jeopardy here to the many billions of dollars that consumers have been saving this year because off the competition set off by deregulation.

It seems to me there are several levels at which to assess these possible anticompetitive effects.

1. The first goes to the question of whether there are any substantial number of particular routes on which United and US Airways are already direct competitors. In the case of the proposed merger of Continental/Northwest, the Antitrust Division identified several very important routes between their respective hubs (for example, Houston/Minneapolis-St. Paul, Houston/Detroit, Cleveland/Memphis, and so on). On which it looked those airlines were the two main if not only competitors, and their merger would simply eliminate that competition. I do not doubt that there are major overlaps between US Airways and United.

2. In deregulating the airlines we relied very heavily on the threat of potential as well as actual competition to prevent exploitation of consumers: an important part of the rationale of deregulation was the contestability of airline markets. It seems to me highly likely that there are many routes in which United or US Airways is a potential competitor of the other. And it is my recollection that studies of the behavior of airline fares after deregulation (notably one by Winston and Morrison and another by Gloria Hurdle, Andrew Joskow and others) demonstrated that one actual competitor in a market is worth two or three potential competitors on the bush, they nevertheless also found that the presence of a potential competitor identified as a carrier not already present at one or the other end of a route—did constrain the fares incumbents could charge.

3. The likelihood that a United/US Airways merger would indeed result in suppression of this potential competition would seem to be enhanced by what I take it would be United’s explanation of its rationale—namely, its need for a strong hub in the Northeast (commented on widely in the literature, along with attributions of a similar need to American Airlines). But if United really does feel the need for a big hub in the Northeast, this suggests that it is indeed an important potential competitor of U.S. Airways and that, denied the ability to acquire the hub in the easiest, noncompetitive fashion, by acquisition, it might instead feel impelled to construct a hub in competition with US Airways; if some place within a couple of hundred miles of Pittsburgh is the needed location—observe the hubs of Continental at Cleveland and Delta at Cincinnati—then why not, say, Buffalo for United? And while I have the impression that the suppression of potential competition has not been a major theme in the recent merger litigation, it might properly be definitive in this case, if only because, either explicitly or implicitly, United is in effect concocting the potentiality of that competition in its rationalizations of the merger itself. The stronger its argument that it does indeed need a big hub in the northeast, the more that signifies that the alternative, if they were denied the opportunity to acquire US Airways, would be to construct a major competitive hub of its own.

4. In addition, United’s acquisition of a competitive advantage by this acquisition—giving it the first claim on traffic feed from US Airways’ extensive network—does increase the pressure on other carriers, particularly American to merger similarly, then it seems to me that is a possible competitive consequence of this particular merger that should take into account in deciding whether it should be permitted.

I do hope you will undertake this important inquiry: we may be confronting a very radical consolidation of the industry, which cannot be a matter of indifference to people like you and me, who have regarded deregulation as a great step and are far from being the only ones to maximize their profits.

With warm personal regards,

Sincerely,

ALFRED E. KAHN,

Robert Julius Thorne Professor of Political Economy, Emeritus, Cornell University;
Chairman, Civil Aeronautics Board 1977-78.

Mr. MCCAIN. Mr. President, I want to highlight one point Professor Kahn makes; and that is the main justification for the merger is the need for a hub in the northeast. He goes on to question, however, why United doesn’t create a hub in the northeast, rather than follow the path of “least competitive resistance” by trying to acquire on its competitors’ hubs. Mr. President, I ask the same question, and urge my colleagues to join Senator GORTON and me in supporting this Senate resolution expressing our strong concerns about a United-US Airways merger.

Mr. President, I thank my friend and colleague, the distinguished chairman of the Aviation Subcommittee of the Commerce Committee who joined me in this resolution.

I yield the floor to the PRESIDING OFFICER.

Mr. GORTON. Mr. President, it is my purpose to join with the Senator from Arizona today in introducing this sense-of-the-Congress resolution. Each of us has thought long and hard about this proposed measure, as it goes to the heart of our air transport system in the United States. I believe I speak for the Senator from Arizona as well as for myself in saying this merger seems quite obviously to be beneficial both to United Airlines and to U.S. Airways. Public policy, however, does not concern itself primarily with the benefits to the companies involved in a competitive field. Public policy should concern itself with consumer interests and with the interests of the millions of Americans who use these airlines to fly from one place to another across the United States and for that matter overseas.

A merger of these two airlines would create by far the largest single airline in the United States. Inevitably, it would seem to me that would add two more mergers, at the very least involving the other four of the largest six airlines in the United States. In fact, it would be almost impossible to mount a logical and rational defense against such mergers as those airlines would complain with real justification that they were no longer competitive with the giant created by a United-U.S. Airways merger.

For our perspective, we need to consider what the ultimate outcome of this merger would be and the impact it would have on airline passengers all across the United States. There would be a significant increase in the number of hubs overwhelmingly dominated by a single airline. There would be, in my view, a sharp decrease in the competitiveness for airline travel in many cities across the United States. There would certainly be the legitimate desire on the part of the remaining airlines to maximize their profits. That exists at the present time. But these three mergers would vastly increase the ability of the airlines to do so in what would be distinctly a less competitive market.

I have attended hearings on this subject. I have had meetings with the CEOs of both airlines seeking to merge and with some of those who have apprehensions about that merger. I may say that the meetings are somewhat in my mind was changed by those meetings. My first reaction to the proposal was that the creation of one new entrant—D.C. Airlines—was little more than a sham. The hearings and my meetings indicated to me that I was almost certainly wrong in that respect, and that the proposed new owner and manager of D.C. Airlines did intend to be a real airline to provide real service. But even if we grant the potential success of that airline, the net effect on competition overall would be highly negative on the part of this merger.

I join with the chairman of the Commerce Committee in this resolution. I do not think in the ultimate analysis that this merger is in the public interest. I believe it would lessen competition among domestic airlines. I think it would not improve the way in which the airline passengers are treated, and probably, at least in the near term and perhaps in the long term, would exacerbate an already troublesome situation.
I believe we would end up with three major airlines flying roughly 80 percent of all the passengers on domestic flights in the United States, and that the net result, by a significant margin from such a merger, would not be in the public interest.

I hope this resolution becomes more formalized than it is just by the introduction by these two Members. I suspect the chairman of the Commerce Committee will bring it up in the Commerce Committee. I hope it is here for consideration by the entire Senate promptly, and it will be considered by the regulatory authorities that are dealing with the proposed merger at the present time.

AMENDMENTS SUBMITTED

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

LEAHY AMENDMENT NO. 4016
(Ordered to lie on the table.)

Mr. LEAHY submitted the following amendment intended to be proposed by him to the bill (H.R. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert the following:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

HELMS (AND OTHERS) AMENDMENT NO. 4018

Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, Mr. KERRY, Mr. SMITH of Oregon, Mrs. BOXER, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Global AIDS and Tuberculosis Relief Act of 2000”.

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

HELMS (AND OTHERS) AMENDMENT NO. 4019

Mr. HELMS (for himself, Mr. BIDEN, Mr. FRIST, Mr. KERRY, Mr. SMITH of Oregon, Mrs. BOXER, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Global AIDS and Tuberculosis Relief Act of 2000”.

SEC. 2. TABLE OF CONTENTS.
The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE III—ADMINISTRATIVE AUTHORITIES

Sec. 301. Effective program oversight.
Sec. 302. Termination expenses.

SEC. 102. DEFINITIONS.
In this title:
(1) AIDS.—The term “AIDS” means the acquired immune deficiency syndrome.
(2) Association.—The term “Association” means the International Development Association.
(3) Bank.—The term “Bank” or “World Bank” means the International Bank for Reconstruction and Development.
(4) HIV.—The term “HIV” means the human immunodeficiency virus, the pathogen which causes AIDS.
(5) HIV/AIDS.—The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

SEC. 163. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress makes the following findings:
(1) According to the Surgeon General of the United States, the epidemic of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) will soon become the worst epidemic of infectious diseases in recorded history, eclipsing both the bubonic plague of the 1300’s and the influenza epidemic of 1918-1919 which killed more than 20,000,000 people worldwide.
(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 34,300,000 people in the world today are living with HIV/AIDS, of which approximately 95 percent live in the developing world.
(3) UNAIDS data shows that among children age 14 and under worldwide, more than 3,800,000 have died from AIDS, more than 1,300,000 are living with the disease; and in one year alone—1999—an estimated 620,000 children became infected, of which over 90 percent were born to HIV-positive women.
(4) Although sub-Saharan Africa has only 10 percent of the world’s population, it is home to more than 24,500,000—roughly 70 percent of the world’s HIV/AIDS case population.
(5) Worldwide, there have already been an estimated 18,800,000 deaths because of HIV/AIDS, of which more than 80 percent occur in sub-Saharan Africa.
(6) The gap between rich and poor countries in terms of transmission of HIV from mother to child has been increasing. Moreover, AIDS threatens to reverse years of steady progress of child survival in developing countries. UNAIDS believes that by the year 2010, AIDS may have increased mortality of children under 5 years of age by more than 100 percent in regions most affected by the virus.
(7) According to UNAIDS, by the end of 1999, 13,200,000 children have lost at least one parent to AIDS, including 12,100,000 children in sub-Saharan Africa, and are thus considered AIDS orphans.
(8) At current infection and growth rates for HIV/AIDS, the National Intelligence Council estimates that the number of AIDS orphans worldwide will increase drammatically, with potentially increasing threefold or more in the next 10 years, contributing to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care and support of any kind—whether from family or other agencies, public utilities, or individuals who access any Internet site of the Secretary of the Interior may enter into contracts with the city of Loveland, Colorado, or its Water and Power Department or any other agency, public utility, or enterprise of the city, providing for the use of facilities of the Colorado-Big Thompson Project, Colorado, as provided in the Act of February 21, 1911 (43 U.S.C. 525), for—
(1) the impounding, storage, and carriage of nonproject water originating on the eastern slope of the Rocky Mountains for domestic, municipal, industrial, and other beneficial purposes; and
(2) the exchange of water originating on the eastern slope of the Rocky Mountains for the purposes specified in paragraph (1), using facilities associated with the Colorado-Big Thompson Project, Colorado.
(9) Donors must focus on adequate preparations for the explosion in the number of orphans and the burden they will place on families, communities, economies, and governments. The number of orphans and affected children in Africa is only one small indication of a bigger crisis, and there is no certainty that the scale of the problem in one continent can be contained within that region. (20) Accordingly, United States financial support for medical research, education, and disease containment and global strategy has beneficial ramifications for millions of Americans and their families who are affected by this disease, and the entire population, notwithstanding any provision of law that restricts assistance to foreign countries.

(10) The 1999 annual report by the United Nations Children’s Fund (UNICEF) states that “[t]he presence ofwar on AIDS constitutes nothing less than an emergency, requiring an emergency response and the redirection of resources to help stabilize the crisis and protect children is a priority that requires urgent action from the international community.”

(11) Despite a relatively simple and inexpensive means of interrupting the transmission of HIV from an infected mother to the unborn child—namely with nevirapine (NVP), which costs US$1 a tablet—has created a great opportunity for an unprecedented partnership between the United States Government and the governments of Asia, African and Latin American countries to reduce mother-to-child transmission (also known as “vertical transmission”) of HIV.

(12) According to UNAIDS, if implemented this year, the program costs of providing care for orphans that are HIV-infected and decrease infant and child mortality rates in these developing regions could be as much as US$1 billion.

(13) A mother-to-child antiretroviral drug strategy can be a force for social change, providing the opportunity and impetus needed to address often long-standing problems of inadequate services and the profound stigma associated with HIV-infection and the AIDS disease. Strengthening the health infrastructure of the mother-and-child health, antenatal, delivery and postnatal services, and couples counseling generates enormous spillover effects toward combating the AIDS epidemic in developing regions.

(14) United States Census Bureau statistics show life expectancy in sub-Saharan Africa falling to around 30 years of age within a decade, the lowest in a century, and project life expectancy in 2010 to be 29 years of age in Botswana, 30 years of age in Swaziland, 33 years of age in Namibia and Zimbabwe, and 36 years of age in South Africa. Moreover, in Rwanda, in contrast to a life expectancy of 70 years of age in many of the countries without prevalence of AIDS.

(15) A January 2000 United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that “the largest gaps of infectious diseases—especially HIV/AIDS—are already significant and could reduce GDP by as much as 20 percent or more by 2010 in some sub-Saharan African countries.”

(16) According to the same NIE report, HIV prevalence among militias in Angola and the Democratic Republic of the Congo are estimated to expand to 20 percent, and at 15 to 30 percent in Tanzania.

(17) The HIV/AIDS epidemic is of increasing concern in other regions of the world, with UNAIDS estimating that there are more than 5,600,000 cases in South and South-east Asia, that the rate of HIV infection in the Caribbean is second only to sub-Saharan Africa, and that HIV infections have doubled in just two years in the former Soviet Union.

(18) Despite the discouraging statistics on the outbreak, some developing regions—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of infection.

(19) AIDS, like all diseases, knows no national boundaries, and there is no certainty that the United States should make its own contribution to combating the global AIDS epidemic.
SEC. 113. COORDINATED DONOR STRATEGY FOR SUPPORT AND EDUCATION OF ORPHANS IN SUB-SAHARAN AFRICA.

(a) STRATEGIC POLICY.—It is in the national interest of the United States to assist in mitigating the burden that will be placed on sub-Saharan African social, economic, and political communities as these communities struggle with the consequences of a dramatically increasing AIDS orphan population, many of whom are themselves infected by HIV and are living with AIDS. Effectively addressing that burden and its consequences in sub-Saharan Africa will require a coordinated multidonor strategy.

(b) OVERVIEW OF STRATEGY.—The President shall coordinate the development of a multidonor strategy to provide for the support and education of AIDS orphans and the facilitation of linkages between orphans and institutions most affected by the HIV/AIDS epidemic in sub-Saharan Africa.

(c) DEFINITION.—In this section, the term ‘‘HIV/AIDS’’ means, with respect to an individual, an individual who is infected with the human immunodeficiency virus (HIV), the pathogen that causes the acquired immune deficiency syndrome (AIDS), or living with AIDS.

SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/AIDS TRAINING.

(a) FINDINGS.—Congress finds that—

(1) the term ‘‘HIV/AIDS’’ constitutes a threat to security in Africa;

(2) civil unrest and war may contribute to the spread of the disease to different parts of the continent;

(3) the percentage of soldiers in African militaries who are infected with HIV/AIDS is unknown, but estimates range in some countries as high as 40 percent; and

(4) it is in the interests of the United States to assist the countries of Africa in combating the spread of HIV/AIDS.

(b) THE PREVENTION OF THE SPREAD OF AIDS.—In undertaking education and training programs for military establishment in African countries, the United States shall ensure that classroom training under the African Crisis Response Initiative includes military-based education on the prevention of the spread of AIDS.

Subtitle B—World Bank AIDS Trust Fund

CHAPTER 1—ESTABLISHMENT OF THE FUND

SEC. 121. ESTABLISHMENT.

(a) NEGOTIATIONS FOR ESTABLISHMENT OF THE TRUST FUND.—The Secretary of the Treasury shall seek to enter into negotiations with the World Bank or the Association, in consultation with the Administrator of the United States Agency for International Development and other United States Government agencies, and with the member nations of the World Bank or the Association and with other interested parties, for the establishment within the World Bank of—

(1) the World Bank AIDS Trust Fund (in this subtitle referred to as the ‘‘Trust Fund’’) in accordance with the provisions of this chapter; and

(2) the Advisory Board to the Trust Fund in accordance with section 124.

(b) PURPOSE.—The purpose of the Trust Fund shall be to use contributed funds to—

(1) assist in the prevention and eradication of HIV/AIDS and the care and treatment of individuals infected with HIV/AIDS; and

(2) provide support for the establishment of programs that provide health care and primary and secondary education for children orphaned or affected by HIV/AIDS epidemic.

(c) COMPOSITION.—

(1) IN GENERAL.—The Trust Fund should be governed by a Board of Trustees, which should include representatives of the participating donor countries to the Trust Fund. Individuals appointed to the Board should have demonstrated knowledge and experience in the fields of public health, epidemiology, health care (including delivery systems), and development.

(2) UNITED STATES REPRESENTATION.—(A) IN GENERAL.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, with the advice and consent of the Senate, and who shall have the qualifications described in paragraph (1).

(B) EFFECTIVE DATES.—(i) EFFECTIVE DATE.—This paragraph shall take effect upon the date the Secretary of the Treasury certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(ii) TERMINATION DATE.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

SEC. 122. GRANT AUTHORITY.

(a) PROGRAM OBJECTIVES.—

(1) IN GENERAL.—In carrying out the purpose of section 121(b), the Trust Fund, acting through the Board, shall provide grants for—

(A) programs to promote the best practices in prevention, including health education messages that emphasize risk avoidance such as abstinence;

(B) measures to ensure a safe blood supply;

(C) voluntary HIV/AIDS testing and counseling;

(D) measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling, and access to infant formula or other alternatives for infant feeding;

(E) programs to provide for the support and education of AIDS orphans and the facilitation of linkages between orphans and institutions most affected by the HIV/AIDS epidemic;

(F) measures for the deterrence of gender-based violence and the provision of post-exposure prophylaxis to victims of rape and sexual assault; and

(G) incentives to promote affordable access to treatments against AIDS and related infections.

(b) ACTIVITIES SUPPORTED.—Among the activities the Trust Fund should provide grants for should be—

(1) programs to promote the best practices in prevention, including health education messages that emphasize risk avoidance such as abstinence;

(2) voluntary HIV/AIDS testing and counseling;

(3) measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling, and access to infant formula or other alternatives for infant feeding;

(4) programs to provide for the support and education of AIDS orphans and the facilitation of linkages between orphans and institutions most affected by the HIV/AIDS epidemic;

(5) measures for the deterrence of gender-based violence and the provision of post-exposure prophylaxis to victims of rape and sexual assault; and

(6) incentives to promote affordable access to treatments against AIDS and related infections.

(c) IMPLEMENTATION OF PROGRAM OBJECTIVES.—In carrying out the objectives of paragraph (1), the Trust Fund should coordinate its activities with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.

(d) PRIORITY.—In providing grants under this section, the Trust Fund should give priority to countries that have the highest HIV/ AIDS prevalence rate or that are at high risk of having a high HIV/AIDS prevalence rate.

(e) ELIGIBLE GRANT RECIPIENTS.—Governments and nongovernmental organizations should be eligible to receive grants under this section.

(f) PROHIBITION.—The Trust Fund should not assist in the support of any project or activity directly related to the development associated with bilateral or multilateral bank loans.
CHAPTER 2—REPORTS

SEC. 131. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

(2) REPORT ELEMENTS.—The report shall include a description of—

(A) the status of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) Trust Fund and governmental contributions to the Trust Fund; and

(D) the criteria that have been established, acceptable to the Secretary of the Treasury and the Administrator of the United States Agency for International Development, that would be used to determine the programs and activities that should be assisted by the Trust Fund.

(b) GAO REPORT ON TRUST FUND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report evaluating the effectiveness of the Trust Fund, including—

(A) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in reducing the worldwide spread of AIDS; and

(B) assessment of the merits of continued United States financial contributions to the Trust Fund.

(c) APPROVAL COMMITTEES DEFINED.—In subsection (a), the term ‘appropriate committees’ means the Committee on Foreign Relations and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

SEC. 141. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other funds appropriated for multilateral or bilateral programs related to HIV/AIDS or economic development, there is authorized to be appropriated to the Secretary of the Treasury $150,000,000 for each of the fiscal years 2001 and 2002 to be used for—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program, would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(b) ELIMINATION OF FUNDS.—Of the amounts authorized to be appropriated by subsection (a) for the fiscal years 2001 and 2002, $50,000,000 are authorized to be available each such fiscal year only for programs that benefit orphans.

SEC. 142. CERTIFICATION REQUIREMENT.

(a) IN GENERAL.—Prior to the initial obligation or expenditure of funds appropriated pursuant to section 141, the Secretary of the Treasury shall certify that adequate procedures and standards have been established to ensure the availability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

(b) CERTIFICATION REQUIRED.—The certification required by subsection (a), and the bases for that certification, shall be submitted by the Secretary of the Treasury to Congress.

TITLE II—INTERNATIONAL TUBERCULOSIS CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the “International Tuberculosis Control Act of 2000”.

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis; and

(B) one-third of the world’s total population is infected with tuberculosis; and

(C) tuberculosis is the world’s leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated by the effect of the violent conflicts, the growing homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) By nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program, would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) IN GENERAL.—Funds made available under this Act and the Arms Export Control Act, may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain unobligated.

(b) ELIMINATION OF FUNDS.—Any contract entered into prior to the date of any termination of assistance under such Acts prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds.

(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

SEC. 204. ADMINISTRATIVE AUTHORITY.

(a) EXISTING LAW.—Except as provided in this Act, the term ‘United States official’ means an employee of the United States Government who is employed outside the United States.

(b) AUTHORITY.—The Administrator of the agency primarily responsible for administering this Act and the Arms Export Control Act is authorized to enter into such agreements with any entity, including any nongovernmental organization, that is engaged in tuberculosis control activities.

(c) TERMINATION OF ASSISTANCE.—In making determinations under this Act, the Administrator of the agency primarily responsible for administering this Act is authorized to enter into such agreements with any entity, including any nongovernmental organization, that is engaged in tuberculosis control activities.

(d) TERMINATION EXPENSES.—In addition to any other funds appropriated for multilateral or bilateral programs related to tuberculosis, there is authorized to be appropriated to the President, $60,000,000 for each of the fiscal years 2001 and 2002 to be used to carry out this paragraph. Funds appropriated under this subparagraph are authorized to remain available until expended.

TITLE III—ADMINISTRATIVE AUTHORITIES

SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.

Section 650 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding at the end thereof the following new subsection:

(3) The Administrator of the agency primarily responsible for administering part I may use funds made available under that part to provide program and management oversight for activities that are funded under that part and that are conducted in countries in which the agency does not have a field mission or office.

SEC. 302. TERMINATION EXPENSES.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended as follows:

(a) IN GENERAL.—Funds made available under this Act and the Arms Export Control Act, may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such Acts for the necessary expenses of winding up programs related to such termination and may remain unobligated.

(b) ELIMINATION OF FUNDS.—Any contract entered into prior to the date of any termination of assistance under such Acts prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds.

(c) TERMINATION EXPENSES.—Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

(d) GUARANTY PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments that were entered into prior to the effective date of the termination of assistance.

(e) OBLIGATION OF PROMISSORY NOTIONS.—Unless specifically made inapplicable by another provision of law, the provisions of this...
INDIAN LAND CONSOLIDATION ACT AMENDMENTS OF 2000

CAMPBELL AMENDMENT NO. 4019

Mr. DEWINE (for Mr. CAMPBELL) pro-
posed an amendment to the bill (S. 1586) to reduce the fractional ownership of
Indian Lands, and for other pur-
poses; as follows:

Strike all after the enacting clause and in-
sert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Land
Consolidation Act Amendments of 2000".

TITLE I—INDIAN LAND CONSOLIDATION

SEC. 101. FINDINGS.
Congress finds that—

(1) in the 1800's and early 1900's, the United
States sought to assimilate Indian people
into the surrounding non-Indian culture by
allotting tribal lands to individual members
of Indian tribes;
(2) as a result of the allotment Acts and re-
lated Federal policies, over 90,000,000 acres
of land have passed from tribal ownership;
(3) many trust allotments were taken out
of trust status, often without their owners
consent;
(4) without restrictions on alienation, all-
lotment owners were subject to exploitation
and their allotments were often sold or dis-
posed of without any tangible or enduring
benefit to their owners;
(5) the trust periods for trust allotments
have been extended indefinitely;
(6) because of the inheritance provisions in
the original treaties or allotment Acts, the
owners of the trust allotments that have
remained in trust status have be-
come fractionated into hundreds or thou-
sands of undivided interests, many of which
represent 2 percent or less of the total inter-
ests;
(7) Congress has authorized the acquisition
of lands in trust for individual Indians, and
many trust lands have also become fractionated by subsequent inheritance;
(8) the acquisitions referred to in para-
graph (7) continue to be made;
(9) the interests described in this section
often provide little or no return to
the beneficial owners of those interests and
the administrative costs borne by the United
States for those interests are inordinately
high;
(10) in Babbitt v. Yoopee (117 S Ct. 727
(1997)), the United States Supreme Court
ruled the application of section 207 of the In-
dian Land Consolidation Act (25 U.S.C. 2206)
to the facts presented in that case to be un-
constitutional, forcing the Department of the
Interior to address the status of thou-
sands of undivided interests in trust and re-
stricted lands;
(11)(A) on February 19, 1999, the Secretary
of Interior issued a Secretarial Order which
officially reopened the probate of all estates
where an interest in land was ordered to es-
cheat to an Indian tribe pursuant to section
207 of the Indian Land Consolidation Act (25
U.S.C. 2206); and
(B) the Secretarial Order also directed ap-
propriate officials of the Bureau of Indian
Affairs to take "to the rightful heirs and beneficiaries without re-
gard to 25 U.S.C. 2206";
(12) in the absence of comprehensive reme-
dial legislation, the number of the fractional
interests will continue to grow exponen-
tially;
(13) the problem of the fractionation of In-
dian lands described in this section is the re-
sult of a policy of the Federal Government,
cannot be solved by Indian tribes, and re-
quires a solution under Federal law;
(14) any devise or inheritance of an interest
in trust or restricted Indians is a mat-
ter of Federal law; and
(15) consistent with the Federal policy of
tribal self-determination, the Federal Gov-
ernment should encourage the recognized
tribal governments to exercise jurisdiction
over a reservation to establish a tribal pro-
bate code for that reservation.

SEC. 102. DECLARATION OF POLICY.
It is the policy of the United States—

(1) to prevent the further fractionation of
trust allotments made to Indians;
(2) to consolidate fractional interests and
ownership of those interests into usable par-
cells;
(3) to consolidate fractional interests in a
manner that enhances tribal sovereignty;
(4) to promote tribal self-sufficiency and
self-determination; and
(5) to reverse the effects of the allotment
policy on Indian tribes.

SEC. 103. AMENDMENTS TO THE INDIAN LAND
CONSOLIDATION ACT.
The Indian Land Consolidation Act (25
U.S.C. 2201 et seq.) is amended—

(1) in section 202—
(A) in paragraph (1), by striking "("1) tribe"
and inserting "(1) 'Indian tribe' or
'tribe';";
(B) by striking paragraph (2) and inserting
the following:

"(2) 'Indian' means any person who is
a member of any Indian tribe or is eligible
to become a member of any Indian tribe, or
any tribal member referred to in the defini-
tion of 'Indian' under a provision of Fed-
eral law if the Secretary determines that
using such law's definition of Indian is con-
sistent with the purposes of this Act;"
(C) by striking "and" at the end of para-
graph (3);
(D) by striking the period at the end of para-
graph (4) and inserting "; and"; and

(2) in section 205—
(A) in the matter preceding paragraph (1)—

"(i) by striking "Any Indian" and inserting
"(i) 'Indian' means any person who is
a member of any Indian tribe or is eligible
to become a member of any Indian tribe, or
any tribal member referred to in the defini-
tion of 'Indian' under a provision of Fed-
eral law if the Secretary determines that
using such law's definition of Indian is con-
sistent with the purposes of this Act;"

(B) CONDITIONS APPLICABLE TO PUR-
CHASE.—Subsection (a) applies on the condi-
tion that—

(B) in paragraph (2)—

(1) by striking "If" and inserting "if"; and

(ii) by adding "and" at the end; and

(C) by striking paragraph (3) and inserting
the following:

"(3) The approval of the Secretary shall be
required for a land sale initiated under this
section, except that such approval shall not
be required with respect to a land sale trans-
action initiated by an Indian tribe that has
in effect a land consolidation plan that has
been approved by the Secretary under sec-
section 102 of the Indian Land

SEC. 206. TRIBAL PROBATE CODES; ACQUISI-
tIONS OF FRACTIONAL INTERESTS BY TRIBES.

(a) Tribal Probate Codes.—

(1) IN GENERAL.—Notwithstanding any
other provision of law, any Indian tribe may
adopt a tribal probate code to govern descent
and distribution of trust or restricted lands
that are—

(A) located within that Indian tribe's res-
ervation; or

(B) otherwise subject to the jurisdiction of
that Indian tribe.

(2) POSSIBLE INCLUSIONS.—A tribal probate
code referred to in paragraph (1) may in-
clude—

(A) rules of intestate succession; and

(B) other tribal probate code provisions
that are consistent with Federal law and
that promote the policies set forth in section
102 of the Indian Land Consolidation Act
Amendments of 2000.

(3) LIMITATIONS.—The Secretary shall not
approve a tribal probate code if such code
prevents an Indian person from inheriting an
interest in an allotment that was originally
allotted to his or her lineal ancestor.

(4) SECRETARIAL APPROVAL.—

(A) IN GENERAL.—Each Indian tribe that
adopts a tribal probate code under sub-
section (a) shall submit that code to the Sec-
retary for review. Not later than 180 days
after a tribal probate code is submitted to
the Secretary under this paragraph, the Sec-
retary shall review such code and disapprove or
approve that tribal probate code.

(B) CONSEQUENCE OF FAILURES TO APPROVE
OR DISAPPROVE A TRIBAL PROBATE CODE.—If
the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

(C) CONSISTENCY OF TRIBAL PROBATE CODE
WITH ACT.—The Secretary may not approve a
tribal probate code that is inconsistent with
such code, under this paragraph unless the
Secretary determines that the tribal probate
code promotes the policies set forth in sec-
tion 102 of the Indian Land Consolidation

(D) EXPLANATION.—If the Secretary dis-
approves a tribal probate code, or an amend-
ment to such a code, under this paragraph, the
Secretary shall include in the notice of
disapproval to the Indian tribe a written ex-
planation of the reasons for the disapproval.

(E) AMENDMENTS.—

(i) IN GENERAL.—Each Indian tribe that
amends a tribal probate code under this
paragraph shall submit the amendment to the
Secretary for review and approval. Not
later than 60 days after receiving an amend-
ment under this subparagraph, the Secretary
shall review and approve or disapprove the
amendment.

(ii) CONSEQUENCE OF FAILURE TO APPROVE
OR DISAPPROVE AN AMENDMENT.—If the Sec-
retary fails to approve or disapprove an
amendment to such a code, under this para-
graph, the amendment shall be deemed to have been ap-
proved by the Secretary, but only to the ex-
tent that the amendment is consistent with
the policies set forth in section 102 of the Indian

SEC. 207. TERMS AND BEGINS ON JULY 26, 2000.
(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

(A) the date specified in section 207(a)(5); or

(B) 180 days after the date of approval.

(4) LIMITATIONS.—

(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

(B)transfers to TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the decedent who dies on or after the effective date of the amendment.

(5) REPEALS.—The repeal of a tribal probate code shall—

(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying into the decedent's estate the fair market value of the interest in such land. If the remainder interest described in paragraph (3) has no Indian heirs of the first or second degree, the remainder shall descend to the decedent's Indian tribe with jurisdiction over the land so devised.

(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

(3) REMAINDER.—

(A) IN GENERAL.—Except where the remainder interest described in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

(B) DESCENT OF INTERESTS.—If a decedent descends to the decedent's Indian heirs of the first or second degree, the remainder interest described in such subparagraph shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

(4) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land; or the undivided interest in a parcel of trust or restricted land involved.

(c) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

(1) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6)(A), the Indian tribe that exercises jurisdiction over the parcel of land involved in paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee.

(2) LIMITATION.—

(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent's estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee or paragraph (3).

(3) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

(A) upon request of the tribe, allow a reasonable period of time, not to exceed 2 years, for the tribe to make payments of amounts due pursuant to paragraph (1); or

(B) recognize alternative agreed upon exchange of consideration or extended payment terms between the non-Indian devisee described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1).

(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEMS.—

(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 2062).

(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of the Interior.

(4) Deeming section 207 and inserting the following:

SEC. 207. DESCENT AND DISTRIBUTION.

(a) Testamentary Disposition.—

(1) IN GENERAL.—In testate succession to the devisee.

(A) the decedent's Indian spouse or any other Indian person; or

(B) the Indian tribe with jurisdiction over the land so devised.

(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian shall create a life estate with respect to such interest.

(3) REMAINDER.—

(A) IN GENERAL.—Except where the remainder interest described in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent's Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

(B) DESCENT OF INTERESTS.—If a decedent descends to the decedent's Indian heirs of the first or second degree, the remainder interest described in paragraph (3) has no Indian heirs of the first or second degree, the remainder shall descend to any of the decedent's collateral heirs of the first or second degree, pursuant to the applicable laws of intestate succession, if on the date of the decedent's death, such heirs were a co-owner of an interest in the parcel of trust or restricted land involved.

(c) Joint Tenancy, Right of Survivorship.—

(1) TESTATE.—If a testator devises interests in the same parcel of trust or restricted land to more than 1 person, in the absence of express language in the devise to the contrary, the devise shall be presumed to create a joint tenancy with the right of survivorship in the land involved.

(2) INTESTATE.—

(A) IN GENERAL.—Any interest in trust or restricted land that (i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

(ii) that constitutes 5 percent or more of the undivided interest in a parcel of trust or restricted land; shall be held as tenancy in common.

(B) DESCENT OF INTEREST.—Any interest in trust or restricted land that

(i) passes by intestate succession to more than 1 person, including a remainder interest under subsection (a) or (b) of section 207; and

(ii) that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land; shall be held as joint tenants with the right of survivorship.

(e) Effective Date.—

(1) This subsection (other than subparagraph (B)) shall become effective on the later of—

(A) the date referred to in subsection (2); or

(B) the date that is 6 months after the date on which the Secretary makes the certification required under subparagraph (B).

(B) CERTIFICATION.—Upon a determination by the Secretary that the Department of the Interior has the capacity, including policies and procedures, to track and manage interests in trust or restricted lands with the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

(2) DESCENT OF OFF-RESERVATION LANDS.—

(A) INDIAN RESERVATION DEFINED.—For purposes of this subsection, the term 'Indian reservation' includes lands located within—

(i) any area within the boundaries of an Indian tribe's current or former reservation; or

(ii) any area where the Secretary is required by the Secretary to provide special assistance or consideration of a tribe's acquisition of land or interests in land.

(B) DESCENT.—Except in the State of California, if the non-Indian interest in land held by an individual is an interest in trust or restricted lands that are located outside the boundaries of an
Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

(A) by testate or intestate succession in trust to an Indian; or

(B) in fee status to any other devisees or heirs.

(5) EFFECTIVE DATE.—The provisions of this section shall apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification referred to in subsection (4)."

(b) by adding at the end the following:

"SEC. 213. PILOT PROGRAM FOR THE ACQUISITION OF FRACTIONAL INTERESTS.

(1) ACQUISITION BY SECRETARY.—

(A) IN GENERAL.—The Secretary may acquire, at the request of the Indian and with the consent of the owner, any fractional interest in trust or restricted lands.

(B) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period ending on the date of certification that is referred to in subsection (207)(g)(5).

(B) REPORT REQUIREMENT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the report required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to their devisee or designated heir;

(B) assist Indian landowners in accessing information pursuant to section 217(e).

(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land involved.

(4) CERTIFICATION.—After providing notice of such certification in the Federal Register, the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of the certification in the Federal Register.

(5) IMPLEMENTATION.—The Secretary shall implement the provisions of this subsection.

(6) EXCEPTION.—Paragraph (1) shall not apply to the estate of any individual who dies prior to the day that is 365 days after the Secretary makes the certification referred to under paragraph (1) with the consent of such Indian tribe.

SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS, DISPOSITION OF PROCEEDS.

(a) IN GENERAL.—Subject to the conditions described in subsection (7), the Secretary shall deposit any revenue derived from the interest acquired under section 213 into the Acquisition Fund created under section 216.

(b) CONDITIONS.—

(1) IN GENERAL.—The conditions described in this subsection are as follows:

(A) Until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, or until the Secretary makes any of the findings under paragraph (2)(A), any lease, or other disposition, sale, mortgage, or resale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived from a transaction covered under this section on behalf of a tribe to—

(i) the Secretary makes any of the findings under paragraph (2)(A); or

(ii) an amount equal to the purchase price that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that receives the fractional interest under section 213 and that tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the Indian Reorganization Act) (48 Stat. 987, chapter 576, 25 U.S.C. 776), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under this section on behalf of a tribe to—

(i) the Secretary makes any of the findings under paragraph (2)(A); or

(ii) an amount equal to the purchase price of the interest has been paid into the Acquisition Fund created under section 216.

(2) EXCEPTION.—Paragraph (1) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after—

(A) the costs of administering the interest will equal or exceed the projected revenues for the parcel involved;

(B) in the discretion of the Secretary, it takes an unreasonable period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

(C) the tribe that receives a fractional interest under this section is likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest in a reasonable time;

(3) LIMITATION.—An amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

(4) TRIBE NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.

(5) IN GENERAL.—Paragraph (2) shall apply with respect to any undivided interest in allotted land held by the Secretary in trust for
a tribe if a lease or agreement under subsection (a) is otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

(2) APPLICATION OF LEASE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in the allotted land that is described in the lease or agreement (including entitlement of the Indian tribe to payment under the lease or agreement), and the Indian tribe shall not be treated as having granted a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

SEC. 216. ACQUISITION FUND.

(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to—

(1) disburse appropriations authorized to accomplish the purposes of section 213; and

(2) collect all revenues received from the lease, rental, or resource sales derived from an interest in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 213(c).

(b) DEPOSITS; USE.—

(1) IN GENERAL.—Subject to paragraph (2), all proceeds, fees, permits, or resource sales derived from an interest in trust or restricted lands described in subsection (a)(2) shall—

(A) be deposited in the Acquisition Fund; and

(B) as specified in advance in appropriations Acts, be available for the purpose of acquiring additional fractional interests in trust or restricted lands.

(2) MAXIMUM DEPOSITS OF PROCEEDS.—With respect to the deposit of proceeds derived under this paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price of that interest under section 213.

SEC. 217. TRUST OR RESTRICTED LAND TRANS. ACTIONS.

(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions—

(1) involving individual Indians;

(2) between Indians and the tribal government that exercises jurisdiction over the land; or

(3) between individuals who own an interest in trust and restricted land who wish to convert their interest in an Indian or the tribal government that exercises jurisdiction over the parcel of land involved; in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or to authorize the sale of trust or restricted lands to a person who is not an Indian.

(b) SALES, EXCHANGES AND GIFT DRESSES BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.

(1) IN GENERAL.—

(A) ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying an interest or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

(i) the sale or exchange or conveyance of an interest in trust or restricted land may be made for consideration less than the fair market value of that interest; and

(ii) the approval of a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person, if the Indian person is not the spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

(C) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

(c) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendments of 1985, may file a request for the Secretary to acquire an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section.

(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted status by the Secretary under this section shall not affect the status of that land as trust or restricted land.

(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, shall, upon written request, be made available to—

(1) the Indian owners of interests in trust or restricted lands within the same reservation;

(2) the tribe that exercises jurisdiction over the land where the parcel is located or any person who is eligible for membership in that tribe; and

(3) prospective applicants for the leasing, use, or conveyance by gift deed for no or nominal consideration of such trust or restricted land or the interest in trust or restricted lands.

(f) NOTICE TO INDIAN TRIBE.—After the expiration of the limitation period provided for in subsection (b)(2) and prior to considering an Indian application to terminate the trust status of or to remove the restrictions on alienation from trust or restricted land sold, exchanged or otherwise conveyed under this section, the Indian tribe that exercises jurisdiction over the land shall be notified of the application and given the opportunity to match the purchase price that has been offered for the trust or restricted land involved.

SEC. 218. REPORTS TO CONGRESS.

(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with the appropriate committees of the House of Representatives and the Senate, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Appropriations and the Committee on Resources of the House of Representatives a report that indicates, for the period covered by the report—

(1) the number of fractional interests in trust or restricted lands acquired; and

(2) the impact of the resulting reduction in the number of such fractional interests on the financial and research systems of the Bureau of Indian Affairs.

(b) REPORT.—The reports described in subsection (a) and section 213(a) shall consist of the program under this Act to acquire fractional interests in trust or restricted lands should be extended and whether such program should be allowed to make resources available for the purchase of interests in trust or restricted lands of Indian tribes and individual Indian landowners.

SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

(a) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land or any other land held in trust or restricted status by the Secretary on behalf of one or more Indians—

(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases involving coal or mineral leases.

(3) DEFINITION.—In this section, the term ‘allotted land’ includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians.

(b) APPLICABLE PERCENTAGE.—

(1) PERCENTAGE INTEREST.—The applicable percentage referred to in subsection (a)(1) shall be determined as follows:

(A) If there are 5 or fewer owners of the undivided interest in the allotted land, the applicable percentage shall be 80 percent.

(B) If there are more than 5 such owners, but fewer than 11 such owners, the applicable percentage shall be 60 percent.

(C) If there are more than 11 such owners, the applicable percentage shall be 40 percent.

(2) DETERMINATION OF OWNERS.—

(A) IN GENERAL.—For purposes of this subsection, in determining the number of owners, and their interest in or undivided interest in the allotted land with respect to a lease or agreement, the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such land on the date on which the lease or agreement was submitted to the Secretary under this section.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in allotted land that did not escheat to the tribe pursuant to section 207 as a result of the Supreme Court’s decision in Babbitt v. Youpee, (117 S. Ct. 727 (1997)).

(c) AUTHORITY OF SECRETARY TO SIGN LEASE AGREEMENTS OR AGREEMENTS ON BEHALF OF CERTAIN TRIBES.—The Secretary may enter into written consent to a lease or agreement under subsection (a)—

(1) on behalf of the tribal Indian owner, if the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or
"(2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined, but not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the provisions of this title and (the amendments made by this title) that are not otherwise funded by Federal law provided for in any other provision of Federal law.

SEC. 106. CONFORMING AMENDMENTS.

"(a) PATENTS HELD IN TRUST.—The Act of February 8, 1887 (24 Stat. 388) is amended—

"(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

"(2) in the second proviso of section 5 (25 U.S.C. 348)—

(A) by striking "and partition"; and

(B) by striking "except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act".

"(b) ASCERTAINMENT OF HEIRS AND DISPOSAL OF ALLOTMENTS.—The Act of June 25, 1910 (36 U.S.C. 372) is amended by striking "member or:" and inserting "member or, except as provided by the Indian Land Consolidation Act, a tribe if a lease or agreement consent in writing to such undivided interest by reason of this subsection even though the Indian tribe did not consent to the lease or agreement referred to in such subparagraph;

and

(ii) all other parties to the lease or agreement.

"(2) Tribe not treated as party to lease; no effect on tribal sovereignty, immunity.—

"(a) In general.—Subject to paragraph (2), a lease or agreement approved by the Secretary under subsection (a) shall not be construed to affect any tribe as being a party to the lease or agreement described in subparagraph (A) unless as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act.

"(b) Description of parties.—The parties referred to in subparagraph (A) are—

"(i) all owners of the undivided interest in the allotted land covered under the lease or agreement referred to in such subparagraph; and

"(ii) all other parties to the lease or agreement.

"(3) Purpose.—The purpose of this section is to—

"(A) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(B) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(C) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(D) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(E) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(F) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(G) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(H) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"(I) provide for the leasing and disposition of the interest of the deceased tribe or other entity that held land in common as a trust or restricted interest

"TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

SEC. 201. LEASES OF NAVAJO INDIAN ALLOTTED LANDS.

(a) Definitions.—In this section:

"(1) Indian tribe.—The term ‘Indian tribe’ has the meaning given in the term in section 2 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) Individual Indian.—The term ‘Individual Indian’ means an Indian Indian allotted land that is owned in whole or in part by 1 or more individuals.

"(3) Navajo Indian.—The term ‘Navajo Indian’ means a member of the Navajo Nation.

"(4) Navajo Indian allotted land.—The term ‘Navajo Indian allotted land’ means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B) is held in trust or restricted status by the Secretary for the benefit of Navajo Indians or members of another Indian tribe;

and

(ii) was—

(I) allocated to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

"(3) Owner.—The term ‘owner’ means, in the case of any interest in land described in paragraph (1)(B)(i), the beneficial owner of the interest.

"(b) Approval by the Secretary.—In general.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land in—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

"(2) Percentage interest.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 but fewer than 51 such owners, the applicable percentage shall be the product of—

(i) the number of owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement; and

(ii) the number of owners of the undivided interest in the Navajo Indian allotted land that is covered by the oil or gas lease or agreement consent in writing to such undivided interest by reason of this subsection even though the Indian tribe did not consent to the lease or agreement referred to in such subparagraph;

and

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

"(3) Authority of Secretary to sign lease on behalf of enrolled owners.—The Secretary may give written consent to an oil or gas lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

"(4) Effect of approval.—

(A) Application to all parties.—

"(1) In general.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the parties to the oil or gas lease or agreement consented to the lease or agreement.

"(2) Description of parties.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(b) Effect on Indian tribe.—If—

"(1) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

"(2) a lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement; and

then the lease or agreement shall apply to such portion of the undivided interest (including entitlement of the Indian tribe to the proceeds from the lease or agreement) but the lessee shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

"(3) Distribution of proceeds.—

(A) In general.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the
undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) Determination of Amounts Distributed.—The amount of the proceeds under subparagraph (A) distributed to each owner under that subparagraph shall be determined in accordance with the portion of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.

FUGITIVE APPREHENSION ACT OF 2000

THURMOND (AND OTHERS)

AMENDMENT NO. 4020

Mr. DeWine (for Mr. Thurmond (for himself, Mr. Biden, and Mr. Leahy)) proposed an amendment to the bill (S. 2516) 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, as follows:

On page 14, beginning with line 21, strike through line 15, line 29 and insert the following:

'"(3) NonDisclosure Requirements.—
(A) In general.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.
(B) Order.—The court shall enter such order if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—
"(i) endangering the life or physical safety of an individual;
"(ii) flight from prosecution;
"(iii) destruction of or tampering with evidence;
"(iv) intimidation of potential witnesses; or
"(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.
On page 15, line 9 insert "in consultation with the Secretary of the Treasury," after "ex", and after the colon.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 26, 2000. The purpose of this hearing will be to review the Federal sugar program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 26, 2000 at 9:30 a.m., in open session to consider the nominations of Mr. Donald Mancuso to be Inspector General, Department of Defense; Mr. Roger W. Kallock to be Deputy Under Secretary of Defense for Logistics and Material Readiness; and Mr. James E. Baker to be a Judge of the United States Court of Appeals for the Armed Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT, SCIENCE, AND TRANSPORTATION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Environment, Science, and Transportation be authorized to meet on Wednesday, July 26, 2000, at 9:30 a.m., on brokering drug trafficking, to meet during the session of the Senate on Wednesday, July 26, 2000, at 11 a.m. to hold a business meeting (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 26, 2000 at 10 a.m. for a hearing regarding S. 1801, the "Public Interest Declassification Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 26, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Health Disparities: Bridging the Gap" during the session of the Senate on Wednesday, July 26, 2000, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 26, 2000 at 1:30 p.m. in room 485 of the Russell Senate Building to mark up pending legislation to be followed by an overview hearing, on the activities of the National Indian Gaming Commission; to be followed by a legislative hearing on the S. 2536, to reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 26, 2000 at 9:30 a.m., in open session to consider the nominations of Robert S. LaRussa to be Under Secretary for International Trade, Department of Commerce, Ruth M. Thomas to be Assistant Secretary for Legislative Affairs, Department of the Treasury; and Lisa G. Ross to be Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Labor be authorized to meet on Wednesday, July 26, 2000.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FORESTS AND PUBLIC LANDS
Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands be authorized to meet during the session of the Senate on Wednesday, July 26, 2000, to markup S. 1594, "Community Development and Venture Capital Act of 1999," and other pending matters. The markup will begin at 9:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION
Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: No. 524.

I further ask unanimous consent that the nomination be laid upon the table, any statements relating to the nomination to be printed in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF ENERGY
Mildred Siewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy.

LEGISLATIVE SESSION
The PRESIDING OFFICER. The Senate will now return to legislative session.

INDIAN LAND CONSOLIDATION ACT
AMENDMENTS OF 1999
Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 714, S. 1586.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations and that they be placed on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS PLACED ON CALENDAR
Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: No. 524.

The nominations are as follows:

Edward E. Kaufman, of Delaware, to be a Governor of the Board of Governors of the Federal Reserve System for a term expiring August 13, 2003. (Reapprpointment)
Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

EXECUTIVE SESSION
Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the executive calendar: No. 524.

I further ask unanimous consent that the nominations be laid upon the table, any statements relating to the nominations to be printed in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF ENERGY
Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy.

LEGISLATIVE SESSION
The PRESIDING OFFICER. The Senate will now return to legislative session.

INDIAN LAND CONSOLIDATION ACT
AMENDMENTS OF 1999
Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 714, S. 1586.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1586) to reduce the fractionated ownership of Indian lands, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment: (Strike out all after the enacting clause and insert the part printed in italic)

S. 1586
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Indian Land Consolidation Act Amendments of 2000."

SEC. 2. FINDINGS.
Congress finds that—
(1) in the 1800's and early 1900's, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;
(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;
(3) many trust allotments were taken out of trust status, often without consent;
(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;
(5) the trust periods for trust allotments have been extended indefinitely;
(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that have remained in trust status has become fractionated into hundreds or thousands of interests, many of which represent 2 percent or less of the total interests;
(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;
(8) the acquisitions referred to in paragraph (7) continue to be made;
(9) the fractional interests described in this section provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high;
(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court found that the application of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) to the facts presented in that case to be unconstitutional, forcing the Department of the Interior to address the status of thousands of undivided interests in trust and restricted lands;
(11) on February 19, 1999, the Secretary of the Interior issued a Secretarial Order which officially reopened the probate of all estates where an interest in land was ordered to be escheat to an Indian tribe pursuant to section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206); and
(12) in the absence of comprehensive remedial legislation, the number of the fractional interests will continue to grow exponentially;
(13) the problem of the fractionation of Indian lands described in this section is the result of a policy of the Federal Government, cannot be solved by Indian tribes, and requires a solution under Federal law.
(14) any devise or inheritance of an interest in trust or restricted Indian lands is based on Federal law; and
(15) consistent with the Federal policy of tribal self-determination, the Federal Government should encourage the recognized tribal government that exercises jurisdiction over a reservation to establish a tribal probate code for that reservation.

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust allotments made to Indians;
(2) to consolidate fractional interests and ownership of those interests into usable parcels;
(3) to consolidate fractional interests in a manner that respects tribal sovereignty;
(4) to promote tribal self-sufficiency and self-determination; and
(5) to reverse the effects of the allotment policy on Indian tribes.

SEC. 4. AMENDMENTS TO THE INDIAN LAND CONsolidation ACT.
The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—
(A) in paragraph (1), by striking “(1) ‘tribe’” and inserting “(1) ‘Indian tribe’ or ‘tribe’”;
(B) by striking paragraph (2) and inserting the following—

“(2) ‘Indian’ means any person who is a member of any Indian tribe or is eligible to become a member of any Indian tribe at the time of the determination of the assets of a decedent’s estate;”;
(C) by striking “and” at the end of paragraph (3);
(D) by striking the period at the end of paragraph (4) and inserting “; and;”;
(E) by adding at the end the following:

“(5) ‘heirs of the first or second degree’ means parents, children, grandchildren, grandparents, brothers and sisters of a decedent.”;

(2) in section 205—
(A) in the first paragraph preceding clause (2)—
(i) by striking “Any Indian” and inserting “(a) GENERAL.—Subject to subsection (b), any Indian”;
(ii) by striking the colon and inserting the following:

“interests owned by an Indian tribe in a tract may be included in the computation of the percentage of ownership of the undivided interest in the tract for purposes of determining whether the consent requirement under the preceding sentence has been met.”;
(iii) by striking “Provided, That—” and inserting—

“(b) CONDITIONS APPLICABLE TO PURCHASE.—
Subsection (a) applies on the condition that—

(1) in paragraph (2),

(i) by striking “and” and inserting “; and”;
(ii) by adding “and” at the end; and
(C) by striking paragraph (3) and inserting the following:

“(3) The approval of the Secretary shall be required for a land sale initiated under this section, except that such approval shall not be required with respect to a land sale transaction initiated by the Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204;”;

(3) by striking section 206 and inserting the following:

“SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS OF TRIBAL PROBATE CODES.—

(a) Tribal Probate Codes.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

(A) located within that Indian tribe’s reservation; or
(B) otherwise subject to the jurisdiction of that Indian tribe.

(2) Possible Inclusions.—A tribal probate code referred to in paragraph (1) may include—

“(A) rules of intestate succession; and
(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

(3) Limitations.—The Secretary shall not approve a tribal probate code, or an amendment to such code, unless the code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

(4) Secretarial Approval.—

(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

(2) Review and Approval.—

(A) IN GENERAL.—Each Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

(B) Consequence of Failure to Approve or Disapprove a Tribal Probate Code.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under subparagraph (A) by the date specified in that subparagraph, the tribal probate code shall become effective as of the date specified in section 207(f)(5); or

(3) Consistency of Tribal Probate Code with Act.—The Secretary may not approve a tribal probate code submitted under subsection (a) unless the Secretary determines that the tribal probate code promotes the policies set forth in section 3 of the Indian Land Consolidation Act Amendments of 2000.

(4) Explanation.—If the Secretary disapproves a tribal probate code, or an amendment to such a code, under this paragraph unless the Secretary shall include in the notice of disapproval to the Indian tribe a written explanation of the reasons for the disapproval.

(E) Amendments.—

(i) In General.—Each Indian tribe that amends a tribal probate code under this paragraph shall submit the amendment to the Secretary for review and approval. Not later than 60 days after receiving an amendment under this subparagraph, the Secretary shall review and approve or disapprove the amendment.

(ii) Consequence of Failure to Approve or Disapprove an Amendment.—If the Secretary fails to approve an amendment submitted under clause (i), the amendment shall be deemed to have been approved by the Secretary, but only to the extent that the amendment promotes the policies set forth in section 3 of the Indian Land Consolidation Act of 2000.

(3) Effective Dates.—A tribal probate code approved under the paragraph (2) shall become effective on the later of—

(A) the date specified in section 207(f)(5); or
(B) 180 days after the date of approval.

(4) Limitations.—

(A) Tribal Probate Codes.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

(B) Amendments to Tribal Probate Codes.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

(5) Repeals.—The repeal of a tribal probate code shall—

(A) not become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

(c) Authority Available to Indian Tribes.—

(1) Application.—The recognized tribal government that has jurisdiction over an Indian reservation (as defined in section 207(c)(5)) may recognize and authorize the authority provided for in paragraph (2).

(2) Authority to Make Payments in Lieu of Inheritance of Interest in Land.—

(A) Prohibition.—An individual who is not an Indian shall not be entitled to receive by devise or descent any interest in trust or restricted lands, except by reservation of a life estate under subparagraph (B)(ii), within the reservation over which a tribal government has jurisdiction if, while the decedent’s estate is pending before the Secretary, the tribal government referred to in paragraph (1) pays to the Secretary, on behalf of such individual, the value of such interest.

(i) The interest for which payment is made under this subparagraph shall be held by the Secretary in trust for the tribal government.

(B) Exception.—

(i) In General.—Subparagraph (A) shall not apply to any interest in trust or restricted land if, while the decedent’s estate is pending before the Secretary, the ineligible non-Indian heir or devisee described in such subparagraph receives the interest in trust for any person who are otherwise eligible to inherit.

(ii) Reservation of Life Estate.—The non-Indian heir or devisee described in clause (i) referred to a life estate in the interest and conveyed the remaining interest to an Indian person.

(iii) Presumption.—In the absence of any express language to the contrary, a conveyance under clause (ii) is presumed to reserve to the life estate holder all income from the lease, use, rents, profits, royalties, bonuses, or sales of natural resources during the pendency of the life estate and any right to occupy the tract of land as a home.

(C) Payments.—With respect to payments by a tribal government under subparagraph (A), the Secretary shall—

(i) upon the request of the tribal government, allow a reasonable period of time, not to exceed 2 years, for the tribal government to make payments of amounts due pursuant to subparagraph (A); or

(ii) recognize alternative agreed upon exchanges of consideration between the ineligible non-Indian and the tribe in satisfaction of the payment under subparagraph (A).

(D) Use of Proposed Findings by Tribal Justice Systems.—

(1) Tribal Justice System Defined.—In this subsection, the term “tribal justice system” has the meaning given that term in section 3 of the Indian Tribal Justice Act (25 U.S.C. 2902).

(2) Regulations.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as provided in this section, in the administration of the amendment to the Indian Land Consolidation Act of 2000.

(E) Use of Findings.—The findings of fact and conclusions of law shall not be used by any Federal agency in the administration of the Indian Land Consolidation Act of 2000.
(i) any heirs of the first or second degree that inherit an interest that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land, shall hold such interest as tenants in common; and

(ii) any heirs of the first or second degree that inherit an interest that constitutes less than 5 percent of the undivided interest in a parcel of trust or restricted land, shall hold such interest as joint tenants with the right of survivorship.

(1) RECONCILIATION.—The heirs who inherit an interest as tenants in common with a right of survivorship under subparagraph (A) may renounce their right of survivorship in favor of the other tenants.

(2) ACQUISITION OF INTEREST BY INDIAN OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the escheat of an interest that constitutes less than 5 percent of the undivided interest in such land by taking all appropriate steps to prevent the escheat of such interest. The highest bidder shall obtain the interest. If no such offer is made, the interest shall escheat to the tribe that exercises jurisdiction over the land.

(3) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—The Secretary shall enter into contracts with recognized tribal governments in determining which areas need assistance and in determining the terms of those contracts.

(4) ACQUISITION OF INTEREST BY INDIAN OWNERS.—(A) Rights of non-Indian estate holders.—(I) In general.—Unless modified by a tribal probate code that is approved under section 260(d), any Indian owner of an Indian estate that is the subject of the probate shall retain any of the proceeds from the lease, use, rents, profits, royalties, bonuses, or sale of natural resources with respect to the trust or restricted land for which the interest is held.

(B) Joint tenancy.—The interest shall descend either—

(i) by testate or intestate succession in trust to an Indian; or

(ii) in fee status to any other devisees or heirs.

(5) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements with non-Indian estate holders and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are located outside the boundaries of an Indian reservation and that are not subject to the jurisdiction of any Indian tribe, that interest shall descend either—

(i) by testate or intestate succession in trust to an Indian; or

(ii) in fee status to any other devisees or heirs.

(6) RIGHTS OF NON-INDIAN ESTATE HOLDERS.—(A) In general.—An Indian or an Indian tribe as provided for in subparagraph (c)(1), a non-Indian as provided for in subparagraph (c)(2), or a non-Indian as provided for in subparagraph (c)(3), may acquire an interest in Indian land that is located outside the boundaries of an Indian tribe's former reservation or in trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate.

(B) Planning options available to the Secretary.—In implementing this subsection, to the extent amounts are appropriated for in this subsection, the Secretary—

(i) shall inform, advise, and assist Indian landowners with respect to estate planning in order to provide the title held by the last Indian owner of an Indian estate in Indian land the fair market value of the interest. If more than 1 Indian owner may inherit such an interest.

(ii) may—

(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to a devisee or devisees selected by the landowners; and

(B) assist Indian landowners in accessing information pursuant to section 271(g).

(C) may enter into agreements (such agreements will not be subject to the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) under which the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted lands of—

(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of the interests in trust or restricted lands that are located outside the boundaries of an Indian tribe's former reservation or in trust or restricted lands that are not a part of the decedent's estate that is the subject of the probate.

(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance.

(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

(A) by direct mail for those Indians with interests in trust or restricted lands for which the Secretary has an address for the interest holder;

(B) through the Federal Register;

(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at Indian audiences; and

(D) through any other means determined appropriate by the Secretary.

(4) CERTIFICATION.—After providing notice under paragraph (3), the Secretary shall certify that the requirements of this subsection have been met and shall publish notice of such certification in the Federal Register.

(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the date on which the Secretary makes the certification required under paragraph (4)."

"(D) REQUIREMENTS.—In implementing subsection (a), the Secretary—

(1) shall promulgate regulations for the implementation of this subsection.

(2) REQUIREMENTS.—The Secretary shall provide estate planning assistance in accordance with this subsection, to the extent amounts are appropriated for such purpose.

(3) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

(A) inform, advise, and assist Indian landowners with respect to estate planning in order to provide title held by the last Indian owner of an Indian estate in Indian land the fair market value of the interest. If more than 1 Indian owner may inherit such an interest.

(B) assist Indian landowners in acquiring fractional interests representing 2 percent or less of a parcel of trust or restricted land, especially those interests that are located outside of a recognized tribal government or a subordinate entity of the tribal government to carry out some or
all of the Secretary’s land acquisition program; and
“(4) shall minimize the administrative costs associated with the land acquisition program.

(6) DEFINITION OF INTEREST IN INDIAN LANDOWNERS.—

“(1) IN GENERAL.—At the request of any Indian who owns at least 5 percent of the undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest acquired under this section to the Indian landowner upon payment by the Indian landowner of the amount paid for the interest by the Secretary.

“(2) LIMITATIONS.—

“(A) an Indian tribe that has jurisdiction over a parcel of trust or restricted land owns 10 percent or more of the undivided interests in a parcel of such land, such interest shall be acquired under paragraph (1) with the consent of such Indian tribe.

“(B) LIMITATION.—With respect to a conveyance under this subsection, the Secretary shall not approve an application to terminate the trust status or remove the restrictions of such an interest.

SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL INTERESTS; DISPOSITION OF PROCEEDS.

“(a) IN GENERAL.—Subject to the conditions described in subsection (b)(1), an Indian tribe receiving a fractional interest under subsection (a) may, as a tenant in common with the other owners of the trust or restricted lands, lease, sell, or convey an interest described in such paragraph, in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(b) CONDITIONS.—The conditions described in this paragraph are as follows:

“(A) except as provided in subsection (d), until the purchase price paid by the Secretary for an interest referred to in subsection (a) has been recovered, any lease, resource sale contract, right-of-way, or other document evidencing a transaction affecting the interest shall contain a clause providing that all revenue derived from the interest shall be paid to the Secretary.

“(B) Subject to subparagraph (C), the Secretary shall deposit any revenue derived under subparagraph (A) into the Acquisition Fund created under section 216.

“(C) The Secretary shall deposit any revenue that is paid under subparagraph (A) that is in excess of the purchase price of the fractional interest involved to the credit of the Indian tribe that was the interest subject to the transaction under section 213 and the tribe shall have access to such funds in the same manner as other funds paid to the Secretary for the use of lands held in trust for the tribe.

“(D) Notwithstanding any other provision of law, including section 16 of the Act of June 18, 1934 (commonly referred to as the ‘Indian Reorganization Act’) (48 Stat. 587, ch. 578; 25 U.S.C. 476), with respect to any interest acquired by the Secretary under section 213, the Secretary may approve a transaction covered under subsection (a) that is a sale by a tribe of a tribe under

“(i) the Secretary makes any of the findings under paragraph (2)(A); or

“(ii) an amount equal to the purchase price of that interest has been paid into the Acquisition Fund created under section 216.

“(2) EXCEPTION.—Paragraph (1)(A) shall not apply to any revenue derived from an interest in a parcel of land acquired by the Secretary under section 213 after

“(A) the Secretary makes a finding that

“(i) an Indian tribe administering the interest will equal or exceed the projected revenues for the parcel involved;

“(ii) in the discretion of the Secretary, it will take an appropriately long period of time for the parcel to generate revenue that equals the purchase price paid for the interest; or

“(iii) a subsequent decrease in the value of land or commodities associated with the land make it likely that the interest will be unable to generate revenue that equals the purchase price paid for the interest at reasonable times; or

“(B) an amount equal to the purchase price of that interest in land has been paid into the Acquisition Fund created under section 216.

“(c) EFFECT ON INDIAN TRIBE.—

“(1) IN GENERAL.—The Secretary shall deposit any revenue derived under subparagraph (A) that is in excess of the purchase price of that interest by gift deed to—

“(A) a tribe owning at least 5 percent of the undivided interest in trust or restricted land described in such paragraph (including an entitle of the Indian tribe to pay the Secretary for the use of lands held in trust for the tribe.

“SEC. 215. ESTABLISHING FAIR MARKET VALUE.

“(a) IN GENERAL.—For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and comparable transactions may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such system may govern the amount offered for the purchase of interests in trust or restricted lands under section 213.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the owner of an interest in trust or restricted land from appealing a determination of fair market value made in accordance with this section.

SEC. 216. ACQUISITION FUND.

“(a) IN GENERAL.—The Secretary shall establish an Acquisition Fund to

“(1) disburse appropriations authorized to accomplish the purposes of section 213; and

“(2) collect all revenues received from leases, permits, or resource sales derived from an interest in trust or restricted land

“(A) be deposited in the Acquisition Fund;

“(B) be deposited in the Acquisition Fund; and

“(C) be deposited in the Acquisition Fund; and

“(D) be deposited in the Acquisition Fund.

“(2) SPECIAL RULE.—With respect to any gift deed conveyed under this section, the Secretary shall not require an appraisal and the transaction shall be consistent with this Act and any other provision of Federal law.

“(3) TERMINATION.—During the 7-year period beginning on the date on which the Secretary approves a conveyance of an interest in land or restricted land, the Secretary shall not approve an application to terminate the trust status of, or remove the restrictions on, such an interest.

“(4) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands shall be maintained by the Secretary on the location of the parcel and the percentage of undivided interest owned by each individual, or of any interest in trust or restricted lands, and, upon written request, be made available to

“(i) other Indian owners of interests in trust or restricted lands within the same reservation; and

“(ii) prospective applicants for the leasing, use, or consolidation of such trust or restricted land or the interest in trust or restricted lands.

SEC. 217. TRUST AND RESTRICTED LAND TRANSACTIONS.

“(a) POLICY.—It is the policy of the United States to encourage and assist the consolidation of land ownership through transactions involving individual Indians and between Indians and a reservation’s recognized tribal government in a manner consistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or authorize the sale of trust or restricted lands to a person who is not an Indian.

“(b) SALES AND EXCHANGES BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TERRITORIES.

“(1) IN GENERAL.—The Secretary shall not approve a conveyance pursuant to this subsection, the Secretary shall not authorize the sale of trust or restricted land owned by

“(i) the number of fractional interests in trust or restricted lands acquired; and

“SEC. 218. REPORTS TO CONGRESS.

“(a) IN GENERAL.—Prior to expiration of the authority provided for in section 213(a)(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes

“(ii) the number of times that an individual or an association of individuals owns a fractional interest in trust or restricted land that is in excess of the purchase price of the fractional interest;

“(ii) the number of times that an individual or an association of individuals owns a fractional interest in trust or restricted land that is in excess of the purchase price of the fractional interest;
"(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

(b) The Secretary may give written consent to the Bureau of Indian Affairs.

SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.

(a) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may approve any lease or agreement that affects individually owned allotted land, if—

(A) the owners of not less than the applicable percentage (determined under subsection (b)) of the undivided interest in the allotted land that is covered by the lease or agreement consented in writing to the lease or agreement; and

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the allotted land.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any lease or agreement involving coal or uranium.

(3) DETERMINATION OF OWNERS.—

(D) If there are 20 or more such owners, the applicable percentage shall be 80 percent.

(D) If there are fewer than 20 such owners, the applicable percentage shall be 60 percent.

(D) If there are 2 or more such owners, the applicable percentage shall be a majority of the interests in the allotted land.

(4) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under paragraph (1) that are distributed to each owner that under paragraph shall be determined in accordance with the portion of the undivided interest in the allotted land covered by the lease or agreement that is owned by that owner.

(5) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the sovereignty of the Indian tribe.

(c) TRANSFER OF LANDS.—Section 4 of the Act of June 18, 1924 (25 U.S.C. 484) is amended by striking "trust" and inserting "trust, except as provided by the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations".

AMENDMENT NO. 4019

(Purpose: To provide for a complete substitute)

Mr. DE WINE, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DeWine], for Mr. Campbell, proposes an amendment numbered 4019.

The text of the amendment is printed in today's Record under "Amendments Submitted."

Mr. CAMPBELL, Mr. President, on September 15, 1999, I introduced S. 1586, the Indian Land Consolidation Act Amendments of 2000. At that time I pledged, to work with all the parties to address the vexing problems associated with fractionated ownership of Indian lands. These lands were carved out of Indian reservations in the late 19th and early 20th centuries. Within only a few generations, the ownership of the allotments was divided among dozens of the heirs of the original owners of these parcels. This situation has only grown worse as each decade passes.

In 1983, Congress tried to solve fractionation when it enacted the Indian Land Consolidation Act (ILCA), P.L. 94-459. The ILCA prevented small undivided interests from passing by either devise or descent. Only those interests that produced more than $100 in revenue in the preceding year were exempted. In 1987 the Supreme Court ruled in Hodel v. Irving, 481 U.S. 704, that those provisions of the ILCA violated the 5th Amendment by taking property without just compensation.

Then in 1992, the General Accounting Office surveyed 12 Indian reservations with fractionated ownership and reported to Congress:

SEC. 219. APPLICATION TO ALASKA.

(a) FINDINGS.—Congress finds that—

(1) numerous academic and governmental organizations have studied the nature and extent of fractionated ownership of Indian lands outside of Alaska and have proposed solutions to this problem; and

(2) despite these studies, there has not been a comparable effort to analyze the problem, if any, of fractionated ownership in Alaska.

(b) APPLICATION OF ACT TO ALASKA.—Except as provided in this section, this Act shall not apply to land located within Alaska.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute a ratification of any determination by any agency, instrumentality, or court of the United States that may support the assertion of tribal jurisdiction over allotment lands or interests in such land in Alaska.

SEC. 3. JUDICIAL REVIEW.

Notwithstanding section 207(f)(5) of the Indian Land Consolidation Act (25 U.S.C. 290d(f)(5)), after the Secretary of Interior provides the certification required under section 207(f)(4) of such Act, the Secretary of Interior or the Indian tribe in trust or restricted lands, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are appropriated to (and the amendments made by this Act) that are not otherwise funded under the authority provided for in any other provision of Federal law.

SEC. 7. CONFORMING AMENDMENTS.

(a) PATENTS HELD IN TRUST.—The Act of February 8, 1847 (24 Stat. 388) is amended—

(1) by repealing sections 1, 2, and 3 (25 U.S.C. 331, 332, and 333); and

(2) in the second proviso of section 5 (25 U.S.C. 348) by striking "and partition"; and

(b) ASCERTAINMENT OF HEIRS AND DISPOSITION OF ALLOTMENTS.—The Act of June 25, 1910 (36 Stat. 855) is amended—

(1) in the first sentence of section 1 (25 U.S.C. 372), by striking "under" and inserting "under the Indian Land Consolidation Act or a tribal probate code approved under such Act and except"

(2) in the first sentence of section 2 (25 U.S.C. 373), by striking "with regulations" and inserting "with the Indian Land Consolidation Act or a tribal probate code approved under such Act and regulations";
A proposed amendment in the nature of a substitute has been produced. The amendment differs from the version reported by the SCIA on June 14, 2000 in the following ways:

The definition of ‘Indian’ is amended. As reported on June 14, 2000, the definition included members of Indian tribes and those eligible for membership in an Indian tribe. The proposed amendment adds a provision for: “any person who has been found to meet the definition of Indian under a provision of Federal law that the Secretary determines that using such law’s definition of Indian is consistent with the purposes of this Act.” This amendment will ensure that individuals who are treated as Indians for other purposes of Federal law will also be treated as Indian for purposes of this Act.

Section 207 dealing with the devise and descent of interests in trust and restricted lands has been rewritten to provide that non-Indians inheriting interests in Indian land will now receive life estates in place of “non-Indian interests in Indian land.” The owner of allotted land who does not have any Indian heirs may devise his interest to non-Indian heirs. Such a devise may reserve a life estate if the remainder interest is acquired by the tribe under section 206(c). Section 206(c), which allows Indian tribes to acquire interests devised to non-Indians has been rewritten for clarity.

As reported on June 14, 2000, S. 1586 provided that interests of 5% or less that pass by intestate succession would be inherited with the right of survivorship to prevent further fractionation. Since the BIA is in the process of reforming its trust and probate management system, the proposed amendment provides that this provision will not take effect until the Secretary certifies that the BIA has a process in place to track interests held with the right of survivorship.

A separate subsection concerning gift deeds is now incorporated into another section that allows the Secretary to approve conveyance of trust land to Indians. Also, trust land may now be conveyed to Indians by a person of Indian ancestry who owns trust land, but does not meet the ILCA’s definition of Indian.

A second title to S. 1586 includes the text from S. 3135 and its House counterpart H.R. 3181, which allow the Secretary of Interior to approve oil and gas leases on lands allotted to individual Navajo Indians, as long as the specified majority of owners of undivided interests approve the transaction. S. 3135 and H.R. 3181 were introduced at the request of the Navajo allottee Association, Shii Shi Keyahi.

I have described S. 1586 as the “cornerstone” of the Committee’s efforts to reform the BIA’s management of land trust and restricted land. If the bill interests will continue to fractionate. That is why the Department of the Interior continues to support this bill, even though it differs greatly from the Department’s original proposal.

As far back as 1934, a member of the House of Representatives referred to fractionated interests as: “a meaningless system of minute partitioning in which all thought of the possible use of the land to satisfy human needs is lost in a mathematical haze of bookkeeping.” S. 1586 provides a framework that will allow the Federal government, tribal governments, and those who own interests in allotments to begin addressing the problem which all thought of the possible use of the land to satisfy human needs is lost in a mathematical haze of bookkeeping.”

Mr. DeWINE. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment be agreed to, as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDENT. OFFICER. Without objection, it is so ordered.

The amendment (No. 4019) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1586), as amended, was read the third time and passed.

S. 1586

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

SECTION 1. SHORT TITLE

May be cited as the “Indian Land Consolidation Act Amendments of 2000”.

TITLE I—INDIAN LAND CONSOLIDATION

SEC. 101. FINDINGS.

Congress finds that—

(1) in the 1800’s and early 1900’s, the United States sought to assimilate Indian people into the surrounding non-Indian culture by allotting tribal lands to individual members of Indian tribes;

(2) as a result of the allotment Acts and related Federal policies, over 90,000,000 acres of land have passed from tribal ownership;

(3) many trust allotments were taken out of trust status, often without their owners consent;

(4) without restrictions on alienation, allotment owners were subject to exploitation and their allotments were often sold or disposed of without any tangible or enduring benefit to their owners;

(5) the trust periods for trust allotments have been extended indefinitely;

(6) because of the inheritance provisions in the original treaties or allotment Acts, the ownership of many of the trust allotments that remain in the hands of allottees have become fractionated into hundreds or thousands of undivided interests, many of which represent 2 percent or less of the total interests;

(7) Congress has authorized the acquisition of lands in trust for individual Indians, and many of those lands have also become fractionated by subsequent inheritance;

(8) the acquisitions referred to in paragraph (7) continue to be made;

(9) the fractional interests described in this section often provide little or no return to the beneficial owners of those interests and the administrative costs borne by the United States for those interests are inordinately high.

(10) in Babbitt v. Youpee (117 S Ct. 727 (1997)), the United States Supreme Court

July 26, 2000 CONGRESSIONAL RECORD—SENATE S7709
SEC. 102. DECLARATION OF POLICY.

It is the policy of the United States—

(1) to prevent the further fractionation of trust and restricted Indian lands;

(2) to consolidate fractional interests and ownership of those interests into usable parcels;

(3) to consolidate fractional interests in a manner that enhances tribal sovereignty;

(4) to promote tribal self-sufficiency and self-determination; and

(5) to reverse the effects of the allotment policy on Indian tribes.

SEC. 103. AMENDMENTS TO THE INDIAN LAND CONSOLIDATION ACT.

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended—

(1) in section 202—

(A) in paragraph (1), by striking ‘‘(1) ‘tribe’ or ‘tribe’’; and

(B) by striking paragraph (2) and inserting the following:

‘‘(2) the approval of the Secretary shall be required for a land sale initiated under this section, except that the approval shall not be required with respect to a land sale transaction initiated by an Indian tribe that has in effect a land consolidation plan that has been approved by the Secretary under section 204;’’;

(2) by striking section 206 and inserting the following:

‘‘SEC. 206. TRIBAL PROBATE CODES; ACQUISITIONS OF FRACTIONAL INTERESTS BY TRIBES.

‘‘(a) TRIBAL PROBATE CODES.—

‘‘(1) IN GENERAL.—Notwithstanding any other provision of law, any Indian tribe may adopt a tribal probate code to govern descent and distribution of trust or restricted lands that are—

(A) located within that Indian tribe’s reservation; or

(B) otherwise subject to the jurisdiction of that Indian tribe.

‘‘(2) POSSIBLE INCLUSIONS.—A tribal probate code referred to in paragraph (1) may include—

(A) rules of intestate succession; and

(B) other tribal probate code provisions that are consistent with Federal law and that promote the policies set forth in section 102 of the Indian Land Consolidation Act of 2000.

‘‘(3) LIMITATIONS.—The Secretary shall not approve a tribal probate code if such code prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor.

‘‘(b) SECRETARIAL APPROVAL.—

‘‘(1) IN GENERAL.—Any tribal probate code enacted under subsection (a), and any amendment to such a tribal probate code, shall be subject to the approval of the Secretary.

‘‘(2) REVIEW AND APPROVAL.—

(A) IN GENERAL.—In an Indian tribe that adopts a tribal probate code under subsection (a) shall submit that code to the Secretary for review. Not later than 180 days after a tribal probate code is submitted to the Secretary under this paragraph, the Secretary shall review and approve or disapprove that tribal probate code.

(B) CONSEQUENCE OF FAILURES TO APPROVE OR DISAPPROVE A TRIBAL PROBATE CODE.—If the Secretary fails to approve or disapprove a tribal probate code submitted for review under paragraph (A) by the date specified in that subparagraph, the tribal probate code shall be deemed to have been approved by the Secretary, but only to the extent that the tribal probate code is consistent with Federal law and promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

(C) CONSEQUENCE OF APPROVAL OF A TRIBAL PROBATE CODE WITH ACT.—The Secretary may not approve a tribal probate code, or any amendment to such a code, under this paragraph unless the Secretary determines that the tribal probate code promotes the policies set forth in section 102 of the Indian Land Consolidation Act Amendments of 2000.

(3) EFFECTIVE DATES.—A tribal probate code approved under paragraph (2) shall become effective on the later of—

(A) the date specified in section 207(g)(5); or

(B) 180 days after the date of approval.

(4) LIMITATIONS.—

(A) TRIBAL PROBATE CODES.—Each tribal probate code enacted under subsection (a) shall apply only to the estate of a decedent who dies on or after the effective date of the tribal probate code.

(B) AMENDMENTS TO TRIBAL PROBATE CODES.—With respect to an amendment to a tribal probate code referred to in subparagraph (A), that amendment shall apply only to the estate of a decedent who dies on or after the effective date of the amendment.

(5) REPEALS.—The repeal of a tribal probate code shall become effective earlier than the date that is 180 days after the Secretary receives notice of the repeal; and

(B) apply only to the estate of a decedent who dies on or after the effective date of the repeal.

(6) AUTHORITY AVAILABLE TO INDIAN TRIBES.—

(A) IN GENERAL.—If the owner of an interest in trust or restricted land devises an interest in such land to a non-Indian under section 207(a)(6), the Indian tribe that exercises jurisdiction over the parcel of land involved may acquire such interest by paying to the Secretary the fair market value of the interest, as determined by the Secretary on the date of the decedent’s death. The Secretary shall transfer such payment to the devisee.

(B) LIMITATION.—

(A) IN GENERAL.—Paragraph (1) shall not apply to an interest in trust or restricted land if, while the decedent’s estate is pending before the Secretary, the non-Indian devisee renounces the interest in favor of an Indian person.

(B) RESERVATION OF LIFE ESTATE.—A non-Indian devisee described in subparagraph (A) or a non-Indian devisee described in section 207(a)(6)(B), may retain a life estate in the interest involved, including a life estate to the revenue produced from the interest. The amount of any payment required under paragraph (1) shall be reduced to reflect the value of any life estate reserved by a non-Indian devisee.

(C) PAYMENTS.—With respect to payments by an Indian tribe under paragraph (1), the Secretary shall—

(1) determine the amount of the payment due before the tribe can make payments under this paragraph; and

(2) recognize alternative agreed upon exchanges of consideration or extended payment terms between the non-Indian devisee and the tribe.
described in paragraph (1) and the tribe in satisfaction of the payment under paragraph (1)."

"(d) USE OF PROPOSED FINDINGS BY TRIBAL JUSTICE SYSTEM.--

"(1) TRIBAL JUSTICE SYSTEM DEFINED.—In this subsection, the term 'tribal justice system' has the meaning given that term in section 6(b) of the Indian Tribal Justice Act (25 U.S.C. 3602).

"(2) REGULATIONS.—The Secretary by regulation may provide for the use of findings of fact and conclusions of law, as rendered by a tribal justice system, as proposed findings of fact and conclusions of law in the adjudication of probate proceedings by the Department of Justice under regulation (4) by striking section 207 and inserting the following:

"SEC. 207. DESCENT AND DISTRIBUTION.

"(a) Testamentary Disposition.—

"(1) IN GENERAL.—Interests in trust or restricted land may be devised only to—

"(A) the decedent’s Indian spouse or any other Indian person; or

"(B) the Indian tribe with jurisdiction over the land so devised.

"(2) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian may create a life estate with respect to such interest.

"(3) REMAINDER.—

"(A) IN GENERAL.—Except where the remainder from the life estate referred to in paragraph (2) is devised to an Indian, such remainder shall descend to the decedent’s Indian spouse or Indian heirs of the first or second degree pursuant to the applicable law of intestate succession.

"(B) DESCENT OF INTERESTS.—If a devise described in subparagraph (a) has no Indian heirs of the first or second degree, the remainder interest described in such paragraph, a non-Indian spouse or non-Indian heirs of the first or second degree shall descend to the Indian tribe that exercises jurisdiction over the parcel of trust or restricted lands involved, subject to paragraph (5).

"(4) ACQUISITION OF INTEREST BY INDIAN CO-OWNERS.—An Indian co-owner of a parcel of trust or restricted land may prevent the descent of an interest in such land for which there is no heir of the first or second degree by paying into the decedent’s estate the fair market value of the interest in such land. If more than 1 Indian co-owner makes an offer to purchase such an interest, the highest bidder shall obtain the interest. If no such offer is made, such interest shall descend to the Indian tribe that exercises jurisdiction over the parcel of land involved.

"(5) LIFE ESTATE.—Any devise of an interest in trust or restricted land to a non-Indian may create a life estate with respect to such interest.

"(f) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent’s heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent’s estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this section.

"(g) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST AND RESTRICTED LANDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act of 2000.

"(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian tribes and owners of trust or restricted lands of—

"(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of the interest in trust or restricted land; and

"(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

"(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1) by direct mail for those Indians with interests in trust and restricted lands for the right of survivorship, the Secretary shall certify such determination and publish such certification in the Federal Register.

"(d) DESCENT OF OFF-RESERVATION LANDS.—

"(1) IN GENERAL.—For purposes of this subsection, the term ‘Indian reservation’ includes lands located within—

"(i) the boundaries of an Indian tribe’s former reservation (as defined and determined by the Secretary);

"(ii) the boundaries of any Indian tribe’s current or former reservation; or

"(C) any area where the Secretary is required to provide special assistance or consultation under this section.

"(A) by testate or intestate succession in trust to an Indian; or

"(B) in fee status to any other devisees or heirs.

"(e) APPROVAL OF AGREEMENTS.—The official authorized to adjudicate the probate of trust or restricted lands shall have the authority to approve agreements between a decedent’s heirs and devisees to consolidate interests in trust or restricted lands. The agreements referred to in the preceding sentence may include trust or restricted lands that are not a part of the decedent’s estate that is the subject of the probate. The Secretary may promulgate regulations for the implementation of this section.

"(f) ESTATE PLANNING ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall provide estate planning assistance in accordance with this subsection to the extent amounts are appropriated for such purpose.

"(2) REQUIREMENTS.—The estate planning assistance provided under paragraph (1) shall be designed to—

"(A) inform, advise, and assist Indian landowners with respect to estate planning in order to facilitate the transfer of trust or restricted lands to devisees or devisees selected by the landowners; and

"(B) assist Indian landowners in accessing information pursuant to section 211(e).

"(g) REGULATIONS.—In carrying out this section, the Secretary may enter into contracts with entities that have expertise in Indian estate planning and tribal probate codes.

"(h) NOTIFICATION TO INDIAN TRIBES AND OWNERS OF TRUST AND RESTRICTED LANDS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Indian Land Consolidation Act Amendments of 2000, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by the Indian Land Consolidation Act Amendments of 2000.

"(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian tribes and owners of trust or restricted lands of—

"(A) the effect of this Act, with emphasis on the effect of the provisions of this section, on the testate disposition and intestate descent of the interest in trust or restricted land; and

"(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice.

"(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1) by direct mail for those Indians with interests in trust and restricted lands for
which the Secretary has an address for the interest holder;

(‘‘through the Federal Register;

(c) through local newspapers in areas with significant Indian populations, and notifica-
tion newspapers, and newspapers that are dis-rected at an Indian audience; and

(D) through any other means determined appro-priate by the Secretary.

(4) CERTIFICATION.—After providing notice un-der this subsection, the Secretary shall certify that the requirements of this sub-
section have been met and shall publish no-tice of such certification in the Federal Reg-
ister.

(5) EFFECTIVE DATE.—The provisions of this section shall not apply to the estate of an individual who dies prior to the day that is 365 days after the Secretary makes the certification required under paragraph (4).

(6) in section 208, by striking ‘‘section 206’’ and inserting ‘‘subsections (a) and (b) of sec-
tion 206’’; and

(b) by adding at the end the following:

‘‘SEC. 213. PILOT PROGRAM FOR THE ACQUISI-
TION OF FRACTIONAL INTERESTS.

(1) ACQUISITION BY SECRETARY.—

(A) IN GENERAL.—The Secretary may ac-
quire, at the discretion of the Secretary and with the consent of the owner, and at fair market value, fractional interest in trust or restricted lands.

(B) AUTHORITY OF SECRETARY.—

(A) IN GENERAL.—The Secretary shall have the authority to acquire interests in trust or restricted lands under this section during the 3-year period beginning on the date of certification that is referred to in section 217(b).

(B) REQUIRED REPORT.—Prior to expiration of the authority provided for in subparagraph (A), the Secretary shall submit the re-
port required under section 218 concerning whether the program to acquire fractional interests should be extended or altered to make resources available to Indian tribes and individual Indian landowners.

(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land in-volved.

(4) REQUIREMENTS.—In implementing sub-
section (a), the Secretary—

(A) shall adopt policies to ensure that all potential Indian landowners are aware of the availability of the program;

(B) may give priority to the acquisition of fractional interests representing 2 percent or less of a parcel of trust or restricted land, es-
specially those interests that would have eschewed a tribe for the Supreme Court’s decision in Babbitt v. Youpee, 117 S Ct. 727 (1997);

(C) to the extent practicable—

(A) shall consult with the tribal govern-ment that exercises jurisdiction over the land involved in determining which tracts to acquire on a reimbursement basis;

(B) shall coordinate the acquisition ac-tivities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

(C) may enter into agreements (such agreements will not be subject to the provi-sions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate enti-
ty of the tribal government to carry out some or all of the Secretary’s land acquisi-
tion program; and

(D) shall prioritize the administrative costs associated with the land acquisition program.

(5) CONVEYANCE AT REQUEST.—

(A) IN GENERAL.—At the request of any Indian who owns the undivided interest in a parcel of trust or re-
stricted land, the Secretary shall convey an interest acquired under this section to the Indian Indian landowner or the re-

duced interest in the parcel of trust to which the interest has been conveyed, in accordance with section 214, the Secretary shall convey the interest to the Indian Indian landowner who owns the largest per-
centage of the undivided interest in the parcel of trust or restricted land involved.

(B) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or re-
stricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

(6) CONDITIONS.—

(A) IN GENERAL.—The conditions described in this paragraph shall apply to any revenue derived from an inter-
est acquired under this Act.

(B) DEPOSITS; USE.—

(1) IN GENERAL.—The Secretary shall deposit any rev-

(C) The Secretary shall deposit any rev-

(2) collect all revenues received from the lease, permit, or sale of resources from inter-
ests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 223(c).

(3) DEPOSITS; USE.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or re-
stricted lands described in subparagraph (a) shall—

(A) be deposited in the Acquisition Fund;

(B) and (C) as specified in advance in appropria-
tion Acts, be available only for the purpose of ac-
quiring additional fractional interests in trust or restricted lands.

(2) MAXIMUM DEPOSITS.—With respect to the proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price paid for that interest.

(3) TRIBES NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.

(4) EFFECTIVE DATE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided inter-

(5) EFFECTIVE DATE.—The provisions of this section have been met and shall publish no-

(6) by adding at the end the following:

‘‘SEC. 214. ADMINISTRATION OF ACQUIRED FRAC-
TIONAL INTERESTS, DISPOSITION OF PROCEEDS.

(1) IN GENERAL.—Subject to the condi-
tions described in subsection (b)(1), an Indian tribe receiving a fractional interest under section 213 may, as a tenant in common with the other owners of the trust or restricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the interest involved.

(2) MULTIPLE OWNERs.—If more than one Indian owner requests an interest under (1), the Secretary shall convey the interest to the Indian owner who owns the largest per-

(3) INTERESTS HELD IN TRUST.—Subject to section 214, the Secretary shall immediately hold interests acquired under this Act in trust for the recognized tribal government that exercises jurisdiction over the land in-volved.

(4) REQUIREMENTS.—In implementing sub-
section (a), the Secretary—

(A) shall consult with the tribal govern-

(B) shall coordinate the acquisition ac-
tivities with the acquisition program of the tribal government that exercises jurisdiction over the land involved, including a tribal land consolidation plan approved pursuant to section 204; and

(C) may enter into agreements (such agreements will not be subject to the provi-
sions of the Indian Self-Determination and Education Assistance Act of 1974) with the tribal government that exercises jurisdiction over the land involved or a subordinate enti-
ty of the tribal government to carry out some or all of the Secretary’s land acquisi-
tion program; and

(D) shall prioritize the administrative costs associated with the land acquisition program.

(5) CONVEYANCE AT REQUEST.—

(A) IN GENERAL.—At the request of any Indian who owns the undivided interest in a parcel of trust or re-
stricted land, the Secretary shall convey an interest acquired under this section to the Indian Indian landowner or the re-

duced interest in the parcel of trust to which the interest has been conveyed, in accordance with section 214, the Secretary shall convey the interest to the Indian Indian landowner who owns the largest per-
centage of the undivided interest in the parcel of trust or restricted land involved.

(B) LIMITATION.—If an Indian tribe that has jurisdiction over a parcel of trust or re-
stricted lands, lease the interest, sell the resources, consent to the granting of rights-of-way, or engage in any other transaction affecting the trust or restricted land authorized by law.

(6) CONDITIONS.—

(A) IN GENERAL.—The conditions described in this paragraph shall apply to any revenue derived from an inter-
est acquired under this Act.

(B) DEPOSITS; USE.—

(1) IN GENERAL.—The Secretary shall deposit any rev-

(C) The Secretary shall deposit any rev-

(2) collect all revenues received from the lease, permit, or sale of resources from inter-
ests in trust or restricted lands transferred to Indian tribes by the Secretary under section 213 or paid by Indian landowners under section 223(c).

(3) DEPOSITS; USE.—Subject to paragraph (2), all proceeds from leases, permits, or resource sales derived from an interest in trust or re-
stricted lands described in subparagraph (a) shall—

(A) be deposited in the Acquisition Fund;

(B) and (C) as specified in advance in appropria-
tion Acts, be available only for the purpose of ac-
quiring additional fractional interests in trust or restricted lands.

(2) MAXIMUM DEPOSITS.—With respect to the proceeds derived from an interest under paragraph (1), the aggregate amount deposited under that paragraph shall not exceed the purchase price paid for that interest.

(3) TRIBES NOT TREATED AS PARTY TO LEASE; NO EFFECT ON TRIBAL SOVEREIGNTY, IMMUNITY.

(4) EFFECTIVE DATE.—The lease or agreement described in paragraph (1) shall apply to the portion of the undivided inter-

(5) EFFECTIVE DATE.—The provisions of this section have been met and shall publish no-

(6) by adding at the end the following:

‘‘SEC. 215. ESTABLISHING FAIR MARKET VALUE.

For purposes of this Act, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may in-
declude determinations of fair market value based on appropriate geographic units as de-
termined by the Secretary. Such system may govern the amounts offered for the purchase of interests in trust or restricted lands under section 213.
“(2) between Indians and the tribal government that exercises jurisdiction over the land; or
“(3) between individuals who own an interest in allotted lands or who wish to convey an interest to an Indian or the tribal government that exercises jurisdiction over the parcel of land involved; in a case that is inconsistent with the policy of maintaining the trust status of allotted lands. Nothing in this section shall be construed to apply to or authorize the sale of trust or restricted lands to a person who is not an Indian.

(b) SALES, EXCHANGES AND GIFT DEEDS BETWEEN INDIANS AND BETWEEN INDIANS AND INDIAN TRIBES.—

(1) IN GENERAL.—

“A. ESTIMATE OF VALUE.—Notwithstanding any other provision of law and only after the Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land, has been provided with an estimate of the value of the interest of the Indian pursuant to this section—

(1) the sale or exchange or conveyance of an interest in trust or restricted land may be made for an amount that is less than the fair market value of that interest; and

(2) a transaction that is in compliance with this section shall not constitute a breach of trust by the Secretary.

(B) WAIVER OF REQUIREMENT.—The requirement for an estimate of value under subparagraph (A) may be waived in writing by an Indian selling, exchanging, or conveying by gift deed for no or nominal consideration an interest in land with an Indian person who is the owner’s spouse, brother, sister, lineal ancestor of Indian blood, lineal descendant, or collateral heir.

(2) LIMITATION.—For a period of 5 years after the Secretary approves a conveyance pursuant to subsection (a), the Secretary may not disapprove an application to terminate the trust status or remove the restrictions of such an interest.

(C) ACQUISITION OF INTEREST BY SECRETARY.—An Indian, or the recognized tribal government of a reservation, in possession of an interest in trust or restricted lands, at least a portion of which is in trust or restricted status on the date of enactment of the Indian Land Consolidation Act Amendment of 1976, shall be entitled to a lease or agreement described in subparagraph (A) of this section (a)—

(d) STATUS OF LANDS.—The sale, exchange, or conveyance by gift deed for no or nominal consideration of an interest in trust or restricted land under this section shall not affect the status of that land as trust or restricted land.

(e) LAND OWNERSHIP INFORMATION.—Notwithstanding any other provision of law, the names and mailing addresses of the Indian owners of trust or restricted lands, and information relating to the status of such lands, shall be updated in the Indian Land Consolidation Act Amendment of 1976. If a lease described in subparagraph (A) of this section is made for an amount that is less than the fair market value of the interest of the Indian, the proceeds from the lease shall be in compliance with this section.

(f) ACCOUNTING.—The proceeds derived from a lease described in subparagraph (A) of this section shall be used to acquire fractional interests in the allotted lands of the Indian tribe and to be held by the Indian tribe in trust. The proceeds from such lease shall be held in trust and subject to the direction of the Indian tribe. Such proceeds shall be distributed to the members of the Indian tribe in accordance with this section.

SEC. 218. REPORTS TO CONGRESS.—

(a) IN GENERAL.—Prior to the expiration of the authority granted by section 213a(2)(A), the Secretary, after consultation with Indian tribes and other interested parties, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes, for the period covered by the report—

(1) the number of fractional interests in trust or restricted lands acquired; and

(2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs.

(b) REPORT.—The reports described in subsection (a) shall contain findings as to whether the program under this Act to acquire fractional interests in trust or restricted status has been altered or whether such program should be altered to make resources available to Indian tribes and individual Indian landowners.

SEC. 219. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND SALES OF NATURAL RESOURCES.—

(a) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The proceeds derived from a lease described in paragraph (1) of this section shall be paid to the Indian tribe to which the lease or agreement (B) is otherwise applicable to such undivided interest by reason of this section.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to leases or agreements involving coal or uranium.

(b) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a lease described in paragraph (1) of this section shall be distributed to the Indian tribe to which the lease or agreement (B) is otherwise applicable to such undivided interest by reason of this section.

(c) ACQUISITION OF ALLOTED LAND.—An Indian application to terminate the trust status or remove the restrictions of an allotment described in this section shall be considered for the purpose of determining the number of allotments involved.

or any other Act that provides specific standards for the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

**SEC. 290. APPLICATION TO ALASKA.**—Except as provided in this section, the Act shall not apply to land located within Alaska.

**SEC. 104. JUDICIAL REVIEW.**

Notwithstanding section 207(g)(6) of the Indian Land Consolidation Act (25 U.S.C. 229(f)(6)), after the Secretary of Interior provides the certification required under section 207(g)(4) of such Act, the owner of an interest in trust or restricted land may bring an administrative action to challenge the application of such section 207 to the devise or descent of his or her interest in trust or restricted land, and may seek judicial review of the final decision of the Secretary of Interior with respect to such challenge.

**SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated not to exceed $8,000,000 for fiscal year 2001 and each subsequent fiscal year to carry out the purposes and provisions of this title (and the amendments made by this title) that are not otherwise funded under the authority provided for in any other provision of Federal law.

**TITLE II—LEASES OF NAVAJO INDIAN ALLOTTED LANDS.**

**SEC. 201. LEASE APPLICATION TO NAVAJO INDIAN ALLOTTED LANDS.**

(a) DEFINITIONS.—In this section:

(I) INDIAN TRIBE.—The term ‘‘Indian tribe’’ has the meaning in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(h)).

(II) NAVAJO INDIAN.—The term ‘‘Navajo Indian’’ means the owner of Navajo Indian allotted land covered under the lease or agreement referred to in clause (i) or part in by for more of such owner’s interest.

(III) LEASE.—The term ‘‘lease’’ means a single parcel of land that—

(A) is located within the jurisdiction of the Navajo Nation; and

(B)(i) is taken into trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

(ii) was—

(I) allotted to a Navajo Indian; or

(II) taken into trust or restricted status by the United States for a Navajo Indian.

(IV) OWNER.—The term ‘‘owner’’ means, in the case of any lease or agreement described in paragraph (1), the beneficial owner of the interest.

(b) APPROVAL BY THE SECRETARY.—

(1) IN GENERAL.—The Secretary may approve an oil or gas lease or agreement that affects individually owned Navajo Indian allotted land, if—

(A) the owners of not less than the applicable percentage (determined under paragraph (2)) of the undivided interest in the Navajo Indian allotted land, if—

(i) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(ii) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the Navajo Indian allotted land.

(2) PERCENTAGE INTEREST.—The applicable percentage referred to in paragraph (1)(A) shall be determined as follows:

(A) If there are 10 or fewer owners of the undivided interest in the Navajo Indian allotted land, the applicable percentage shall be 100 percent.

(B) If there are more than 10 such owners, but fewer than 51 such owners, the applicable percentage shall be 80 percent.

(C) If there are 51 or more such owners, the applicable percentage shall be 60 percent.

(3) AUTHORITY OF SECRETARY TO SIGN LEASE OR AGREEMENT ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent in writing to the lease or agreement under paragraph (1) on behalf of an individual Indian owner if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) EFFECT OF APPROVAL.—

(A) APPLICATION TO ALL PARTIES.—

(i) IN GENERAL.—Subject to subparagraph (B), an oil or gas lease or agreement approved by the Secretary under paragraph (1) shall be binding on the parties described in clause (ii), to the same extent as if all of the owners of the undivided interest in Navajo Indian allotted land covered under the lease or agreement consented to the lease or agreement.

(ii) DESCRIPTION OF PARTIES.—The parties referred to in clause (i) are—

(I) the owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement referred to in clause (i); and

(II) all other parties to the lease or agreement.

(B) EFFECT ON INDIAN TRIBE.—If—

(i) an Indian tribe is the owner of a portion of an undivided interest in Navajo Indian allotted land; and

(ii) an oil or gas lease or agreement under paragraph (1) is otherwise applicable to such portion by reason of this subsection even though the Indian tribe did not consent to the lease or agreement, but the Indian tribe shall not be treated as a party to the lease or agreement and nothing in this subsection (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(5) DISTRIBUTION OF PROCEEDS.—

(A) IN GENERAL.—The proceeds derived from an oil or gas lease or agreement that is approved by the Secretary under paragraph (1) shall be distributed to all owners of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement.

(B) DETERMINATION OF AMOUNTS DISTRIBUTED.—The amount of the proceeds under subparagraph (A) distributed to each owner of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner shall be distributed to each owner of the undivided interest in the Navajo Indian allotted land covered under the lease or agreement that is owned by that owner.
Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4437) was read the third time and passed.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1167.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 1167) entitled "An Act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes", with the following amendments:

(1)Page 14, line 12, strike (or of such other agency)

(2)Page 15, line 1, after "functions" insert; so

(3)Page 19, line 4, after "section 106" insert: other provisions of law,

(4)Page 20, line 6, strike 13951 and insert: 505

(5)Page 31, line 23, strike [may] and insert: is authorized to

(6)Page 36, strike lines 7 through 14, and insert the following:

"(g) WAGES.—All laborers and mechanics employed by contractors and subcontractors (excluding Indian organizations) in the construction, alteration, or repair, including painting or decorating of a building or other facilities in connection with construction projects funded by the United States under this Act shall be paid wages at not less than those prevailing wages on similar construction in the locality as determined by the Secretary of Labor in accordance with section 184 of the Reorganization Act of March 3, 1931, as amended, and specified in the Davis-Bacon Act of March 3, 1931, as amended by section 1075, is applicable under this section, with the following exceptions:

(1) Except as otherwise provided, the provisions of the Federal Supply Schedule, as authorized under H.R. 1167, are for the exclusive use of tribal members, not for non-Indian employees of a tribe. Furthermore, it is the intent of the committee that prescription drugs purchased through access to the Federal Supply Schedule by tribes are not to be resold.

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUGITIVE APPREHENSION ACT OF 2000

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 956, S. 2516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2516) to fund task forces to locate and apprehend fugitives in Federal, State and local law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) In General.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish a Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States to be directed by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) Other Existing Applicable Law.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) Definitions.—In this section:

(1) Fugitive.—The term ‘fugitive’ means a person who:

(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

(C) escapes from lawful custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law;

(2) Investigation.—The term ‘investigation’ means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

(3) State.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) Subpoenas and Witnesses.—

(1) Subpoenas.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena any person to appear and give administrative subpoena authority to the United States Marshals Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italics):

S. 2516

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Fugitive Apprehension Act of 2000”.

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) In General.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States to be directed by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) Other Existing Applicable Law.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) Definitions.—In this section:

(1) Fugitive.—The term ‘fugitive’ means a person who:

(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

(C) escapes from lawful custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law;

(2) Investigation.—The term ‘investigation’ means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting commerce, or as to whom an appropriate law enforcement officer or official of a State or political subdivision has requested the Attorney General to assist in the investigation, and the Attorney General finds that the particular circumstances of the request give rise to a Federal interest sufficient for the exercise of Federal jurisdiction pursuant to section 1075.

(3) State.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) Subpoenas and Witnesses.—

(1) Subpoenas.—In any investigation with respect to the apprehension of a fugitive, the Attorney General may subpoena any person to appear and give administrative subpoena authority to the United States Marshals Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italics):

S. 2516

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Fugitive Apprehension Act of 2000”.
records or items can be assembled and made available.

(2) WITNESSES.—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be compelled to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(3) SERVICE.—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing agent, to the agent, or to any other agent authorized by appointment or by law to receive service of process.

(4) AFFIDAVIT.—The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

(5) CONTEMPT.—Any failure to obey the order of the court may be punishable by the court as contempt thereof.

(6) RIGHTS OF SUBPOENAEE.—Not later than 20 days after the date of service of an administrative subpoena under this section, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district within which such person resides, a petition to modify or quash such subpoena on grounds that—

(A) the terms of the subpoena are unreasonable or unnecessary;

(B) the subpoena fails to meet the requirements of this section;

(C) the subpoena violates the constitutional rights or any other legal rights or privileges of the subpoenaed party.

(7) REPORT.—(1) IN GENERAL.—The Attorney General shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued under this section, whether each matter involved a fugitive from Federal or State charges, and identification of the agency or component of the Department of Justice issuing the subpoena and imposing the charges.

(8) REPORT.—The reporting requirement of this subsection shall terminate in 2 years after the date of enactment of this section.

(9) GUIDELINES.—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

"(2) REVIEW.—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel within the respective agency or component of the Department of Justice.

"(3) DELAYED NOTICE.—(1) IN GENERAL.—Where an administrative subpoena is issued under this section to a provider of electronic communication service (as defined in section 2510 of this title) or remote computing service (as defined in section 2711 of this title), the Attorney General shall—

(A) in accordance with subsections (a) and (b) of section 2706 of this title, delay notification to the subscriber or customer to whom the record pertains; and

(B) notify to any other party of the existence of the subpoena or court order.

"(2) SUBPOENAS FOR FINANCIAL RECORDS.—If a subpoena is issued under this section to a financial institution for financial records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Federal Wiretap and Electronic Surveillance Privacy Act of 1978 (18 U.S.C. 3406) for an order to delay customer notice as otherwise required.

"(3) NONDISCLOSURE REQUIREMENTS.—

(A) In general.—Except as otherwise provided in paragraphs (1) and (2), the Attorney General may require the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena for 30 days.

(B) EXTENSION.—The Attorney General may apply to a court for an order extending the time for such period as the court deems appropriate.

(C) CRITERIA FOR EXTENSION.—The court shall enter an order under subparagraph (B) if it determines that reason to believe that notification of the existence of the administrative subpoena will result in—

(i) endangering the life or physical safety of an individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence;

(iv) intimidation of potential witnesses; or

(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

"(4) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees, who discloses or permits disclosure of any records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or disclosure if the person acted in good faith in the belief that production or disclosure to the customer, in compliance with the terms of a court order for nondisclosure:

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following: "1075. Administrative subpoenas to apprehend fugitives.

SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Not later than December 31, 2001, the Attorney General shall complete a study on the use of administrative subpoenas by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(a) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(b) a description of applicable subpoena enforcement mechanisms;

(c) a description of any notification provisions and any other provisions relating to safeguarding privacy;

(d) a description of the standards governing the issuance of administrative subpoenas; and

(e) any recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

AMENDMENT NO. 4020

Mr. DEWINE. Mr. President, I send an amendment to the desk on behalf of Senators THURMOND, BIDEN, and LEAHY. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. DeWINE) for Mr. THURMOND, Mr. BIDEN, and Mr. LEAHY, proposes an amendment numbered 4020.

The amendment is as follows:

(Purpose: To impose nondisclosure requirements, and for other purposes)

On page 14, beginning with line 21, strike through page 15, line 20 and insert the following:

(3) NONDISCLOSURE REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in paragraphs (1) and (2), the Attorney General may apply to a court for an order requiring to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

(B) ORDER.—The court shall enter an order under subparagraph (B) if it determines that there is reason to believe that notification of the existence of the administrative subpoena will result in—

(i) endangering the life or physical safety of an individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence;

(iv) intimidation of potential witnesses; or

(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

On page 16, line 9 insert "in consultation with the Secretary of the Treasury," after "eral".

Mr. THURMOND. Mr. President, I am very pleased that tonight the Senate is considering S. 2516, the Fugitive Apprehension Act. Senator BIDEN and I introduced this important legislation to help address the serious threat of federal and state fugitives. The need for it was clearly demonstrated in a hearing I held on this matter last month in my subcommittee.

The number of wanted persons is truly alarming. There are over 38,000 felony warrants outstanding in federal cases. There are over one-half million felony or other serious fugitives listed in the National Crime Information Center database. Yet, this is far less than the actual number of dangerous fugitives roaming the streets because many states do not put all dangerous wanted persons into the database. As recently reported in the Washington Post, California has 2.5 million unserved felony and misdemeanor warrants, and Baltimore has 61,000.

While violent crime in the United States has been decreasing in recent years, the number of serious fugitives has been climbing. The number of N.C.I.C. fugitives has doubled since 1987, and continues to rise steadily each year.

Fugitives represent not only an outrage to the rule of law, they are also a serious threat to public safety. Many of
them continue to commit additional crimes while they roam undetected.

The bill would provide $40 million dollars over three years for the Marshals Service to form fugitive task forces with state and local authorities. The Marshals Service is the lead federal agency regarding this matter. Task forces combine the expertise of the Marshals Service in these specialized investigations with the knowledge that local law enforcement has about their communities. This teamwork helps in improving strategies and emphasizes the need to apprehend large numbers of dangerous criminals.

The legislation would also provide administrative subpoena authority, which would allow investigators to track down leads about wanted persons faster and more efficiently. Currently, the time it takes to get vital information, such as telephone or apartment rental records, through a formal court order can make the difference between whether a fugitive is apprehended or remains on the loose.

This bill has been endorsed by various law enforcement organizations, including the National Sheriffs Association, the Fraternal Order of Police, and the National Association of Police Organizations, and the subpoena authority is supported by the Administration. This is an important step that we can take to help federal and state law enforcement address the serious fugitive threat that exists in our country.

I am pleased to have printed in the Record a section-by-section analysis of the bill.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The title is the “Fugitive Apprehension Act of 2000.”

Section 2. Fugitive apprehension task forces

The purpose of this provision is to assist Federal, state and local law enforcement authorities by forming multi-agency task forces to locate and apprehend fugitives wanted by their jurisdictions.

The bill would authorize to be appropriated to the U.S. Marshals Service $40 million dollars over three years to establish new, permanent Fugitive Apprehension Task Forces and supplement the efforts of task forces already operating in areas throughout the United States. The Fugitive Apprehension Task Forces would be totally dedicated to locating and apprehending fugitives under the direction of a National Director and not under a specific District to insure that they are not utilized for other Marshals Service missions.

Section 3. Administrative subpoena authority

This section of the bill creates a new section 1075 in Title 18, United States Code, providing for administrative subpoena authority to ascertain the whereabouts of fugitives.

Section 1075(a) contains various definitions for “fugitive,” “investigation,” and “state,” that delimit the scope of the section’s operative provisions.

Section 1075(b) provides for the issuance of administrative subpoenas in investigations as defined in section 1075(a). The Attorney General may subpoena witnesses for the production of records the Attorney General finds, based on articulable facts, are relevant to discerning the whereabouts of a fugitive.

Subpoenas may require the records or items required to be produced and prescribe a return date within a reasonable period of time within which the records or items can be provided. Witnesses may not be required to travel more than 500 miles from the place of service of the subpoena, and must be paid the same fees and mileage paid witnesses in United States courts.

Section 1075(c) provides for methods of service of a subpoena under this section.

Section 1075(d) authorizes the Marshals Service to enforce subpoenas issued under this section. Subpoena recipients may move to modify or quash an administrative subpoena within 20 days of service of the subpoena, or prior to the return date, whichever period is shorter, on specified grounds.

Section 1075(e) provides that the Attorney General must issue a report to the Congress about the use of this section, for the first three years following enactment of the statute.

Section 1075(f) provides that the Attorney General shall issue guidelines governing the issuance of administrative subpoenas aimed at the apprehension of fugitives as authorized in this section. The guidelines shall mandate that no such subpoenas issue absent review and approval of senior supervisory personnel within the respective investigative agency or component of the Department of Justice.

Section 1075(g) provides that administrative subpoenas issued to a provider of electronic communications service (as defined in 18 U.S.C. §2510) or remote computing service (as defined in 18 U.S.C. §2711) may include delayed notification and non-disclosure provisions consistent with 18 U.S.C. §2706. Paragraph (g) further provides that subpoenas issued under this section for financial records are subject to the Attorney General’s power to request a delayed customer notice pursuant to 12 U.S.C. §3409. Administrative subpoenas issued pursuant to this section should be governed, where appropriate, by 18 U.S.C. §2706 and 12 U.S.C. §3469. Otherwise, the Attorney General may apply for a court order imposing a non-disclosure period for specified records.

Section 1075(h) provides that good faith compliance with a subpoena issued under this section, and good faith compliance with a nondisclosure order under this provision (whether incorporated in a subpoena issued by the Attorney General or separately ordered by a court), will be immunized from civil liability in state and federal courts.

Section 4. Study and report of the use of administrative subpoenas

This section requires the Attorney General, in consultation with the Secretary of the Treasury, to conduct a study of the use of administrative subpoenas, and report to the Congress by December 31, 2001.

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 2516, “The Fugitive Apprehension Act of 2000.”

During Senate Judiciary Committee consideration of this legislation, we were able to reconcile in the Thurmond-Biden-Leahy substitute amendment to S. 2516, the significant differences between Senator Biden, Senator Leahy, and Senator Cornyn. I introduced, and S. 2761, “The Capturing Fugitive Criminals Act,” which I introduced with Senator Kohl on June 21, 2000. I commend Senators THURMOND and BIDEN for their leadership on this issue and am glad we were able to make a number of changes to the bill to ensure that the authority granted is consistent with privacy and other appropriate safeguards.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flout courts order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our federal law enforcement agencies should be commended for the job they have been doing to date on capturing federal fugitives and helping the states and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 federal, state and local fugitives in the past four years, including more federal fugitives than all the other federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI’s efforts have resulted in the arrest of a total of 65,359 state fugitives.

Nevertheless, the number of outstanding fugitives is too large. The substitute amendment we consider today will help make a difference by providing new, but limited, administrative subpoena authority to the Department of Justice to obtain documentary evidence helpful in tracking down fugitives and by authorizing the Attorney General to establish fugitive task forces.

“Administrative subpoena” is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grand jury secrecy rules and the documents provided in response to such subpoenas can be subject to broader dissemination. Moreover, since investigative agents issue such subpoenas directly, without review by
a judicial officer or even a prosecutor. Fewer “checks” are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

Nonetheless, unlike initial criminal inquiries, fugitive investigations present unique difficulties. Law enforcement may not use grand jury subpoenas since, by the time a person is a fugitive, the grand jury phase of an investigation is usually over. Use of grand jury subpoenas to obtain phone or bank records to track down a fugitive would be an abuse of the grand jury. Trial subpoenas may also not be used, either because the fugitive is already convicted or no trial may take place without the fugitive.

This inability to use trial and grand jury subpoenas for fugitive investigations creates a gap in law enforcement procedures. Law enforcement partially fills this gap in initial investigations to obtain federal records when no fugitive is wanted and whether the federal authorities have limited use of an administrative subpoena as described in the original S. 2516 was silent on the mechanisms for contesting the subpoena by the recipient.

The substitute amendment expressly addressed the gap left by the Capturing Criminals Act. This substitute amendment would allow a person who is served with an administrative subpoena to petition a court to modify or set aside the subpoena on grounds that compliance would be “unreasonable or oppressive” (a standard used in Fed. R. Crim. P. 17 for trial subpoenas) or would violate constitutional or other legal rights of the person.

Fourth, the original S. 2516 did not provide, or set forth a procedure, for the government to command a custodian of records not to disclose or to delay notice to a customer about the existence of the subpoena. This is particularly critical in fugitive investigations where it does not want to alert the fugitive that the police are on his/her trail. The substitute amendment incorporates from the Capturing Criminals Act the express authority for law enforcement to apply for a court order to a custodian of records to delay notice to subscribers of the existence of the subpoena on the same terms applicable in current law to other subpoenas issued to phone companies and other electronic service providers to banks.

Fifth, the original S. 2516 did not provide any immunity from civil liability for persons complying with administrative subpoenas in fugitive investigations. As in the Capturing Criminals Act, the substitute amendment would provide immunity from civil liability for good faith compliance with an administrative subpoena, including nondisclosure in compliance with the terms of a court order.

Sixth, as introduced, would have authorized use of an administrative subpoena on a finding by the Attorney General that the documents are “relevant and material,” which is further defined to mean that there are articulable facts that show the fugitive’s whereabouts may be discerned from the records sought.” Changing the standard for issuance of a subpoena from “relevancy” to a hybrid of “relevant and material” sets a confusing standard for the recipient of the subpoena who is serving on behalf of the Attorney General. The substitute amendment would authorize issuance of an administrative subpoena for documents if the Attorney General finds based upon articulable facts that they are relevant to discerning the fugitive’s whereabouts.

Seventh, the original S. 2516 authorized the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas only to the Director of the U.S. Marshals Service, despite the fact that the FBI, the Drug Enforcement Administration also want this authority to find fugitives on charges over which they have investigative authority. The substitute amendment would authorize the Attorney General to issue guidelines delegating authority for issuance of administrative subpoenas to supervisory personnel within components of the Department.

Eighth, the original S. 2516 did not address the issue that a variety of administrative subpoena authorities exist in multiple forms in every agency. The substitute amendment incorporates from the Capturing Criminals Act a requirement that the Attorney General provide a report on this issue.

Finally, as introduced, S. 2516 authorized the U.S. Marshal Service to establish permanent Fugitive Apprehension Task Forces. By contrast, the substitute amendment would authorize $40,000,000 over three years for the Attorney General to establish multi-agency task forces (which will be coordinated by the Director of the Marshals Service) in consultation with the Secretary of the Treasury and the Secret Service, that the Secret Service, BATF, the FBI and others to be able to participate in the Task Forces to find their fugitives.

This Thurmond-Biden-Leahy substitute amendment makes necessary changes to this bill that will help law enforcement—with increased resources for regional fugitive apprehension task forces and administrative subpoena authority—bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation’s criminal justice system.

Mr. DEWINE. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment, as amended, agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4020) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2516), as amended, was passed.

S. 2516

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 “Fugitive Apprehension Act of 2000”.

SEC. 2. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice components of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to...
the United States Marshal Service to carry out the provisions of this section $30,000,000 for the fiscal year 2002, $5,000,000 for fiscal year 2003, and $5,000,000 for fiscal year 2004.

(3) Other Executive Agencies.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 3. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) In General.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

1075. Administrative subpoenas to apprehend fugitives.

‘‘(a) Definitions.—In this section:

‘‘(1) FUGITIVE.—The term ‘fugitive’ means a person who—

(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the jurisdiction of the court with jurisdiction over the felony;

(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

‘‘(b) Investigation.—The term ‘investigation’ means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce in violation of an applicable law.

‘‘(c) Service.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

‘‘(d) Contempt or Refusal.—

‘‘(1) In General.—In the case of the contumacy or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena.

‘‘(2) Process.—All process in any case to enforce an order under this subsection may be served in any judicial district in which the person may be found.

‘‘(e) Rights of Subpoena Recipient.—A subpoena issued under this section shall provide—

(A) in accordance with section 2705(a) of this title, delay notification to the subscriber or customer to whom the record pertains; and

(B) apply to a court, in accordance with section 2705(b) of this title, for an order compelling the provider of electronic communication service or remote computing service not to notify another person of the existence of the subpoena or court order.

‘‘(f) Subpoenas for financial records.—If a subpoena is issued under this section to a financial institution for records of any customer of such institution, the Attorney General may apply to a court under section 1109 of the Right to Financial Privacy Act of 1980 (12 U.S.C. 3411) for an order delaying customer notice as otherwise required.

‘‘(g) Delayed notice.—

‘‘(1) In General.—Where an administrative subpoena is directed to an individual, the Attorney General may apply to a court for an order requiring the party to whom an administrative subpoena is directed to refrain from notifying any other party of the existence of the subpoena or court order for such period as the court deems appropriate.

‘‘(B) Order.—The court shall enter an order only if it determines that notification of the existence of the administrative subpoena will result in—

(i) endangering the life or physical safety of an individual;

(ii) flight from prosecution;

(iii) destruction or tampering with evidence;

(iv) intimidation of potential witnesses; or

(v) otherwise seriously jeopardizing an investigation or undue delay of a trial.

‘‘(h) Technical and nontextual amendments.—

‘‘(1) In General.—This section is amended by inserting after the period at the end of subsection (a), the term ‘fugitive’ means a person who—

(A) having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

‘‘(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law;

‘‘(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

‘‘(2) EFFECTIVE DATE.—Section 1075 shall take effect on July 26, 2000.

SEC. 4. STUDY AND REPORT OF THE USE OF ADMINISTRATIVE SUBPOENAS.

Net later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by institution or financial regulatory entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies and departments;

(2) a description of applicable subpoena enforcement mechanisms;
ordering committees to file legislative matters

Mr. DeWINE. Mr. President, I ask unanimous consent that, notwithstanding the adjournment of the Senate, committees have until 1 p.m. on Friday, August 25, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 2940

Mr. DeWINE. Mr. President, I understand that S. 2940 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (S. 2940) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

Mr. DeWINE. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Under the order, the bill will receive its next reading on the next legislative day.

MEASURE READ FOR THE FIRST TIME—S. 2941

Mr. DeWINE. Mr. President, I understand that S. 2941 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk reads as follows:

A bill (S. 2941) to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

Mr. DeWINE. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, JULY 27, 2000

Mr. DeWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, July 27. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business for Coverdell tributes only until 11 a.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DeWINE. When the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 11 a.m. for statements in memory of Senator Paul Coverdell. Following morning business, the Senate will have a swearing-in ceremony for Senator-designate Zell Miller. After the ceremony and the remarks by the Senator-designate, the Senate will proceed to a cloture vote on the motion to proceed to the energy and water appropriations bill. By unanimous consent, following the cloture vote, the Senate will consider the report to accompany the Department of Defense appropriations bill, with a vote to occur at approximately 3:15 p.m. Assuming cloture is invoked on the motion to proceed to the energy and water appropriations bill, the Senate will then begin 30 hours of postcloture debate.

As a reminder, cloture was filed on Thursday, July 27, at 9:30 a.m., with a cloture vote, the Senate will begin consideration of the conference report to accompany the Department of Defense appropriations bill, with a vote to occur at approximately 3:15 p.m. Assuming cloture is invoked on the motion to proceed to the energy and water appropriations bill, the Senate will then begin 30 hours of postcloture debate.

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AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 612.

To be general

LT. GEN. CHARLES R. ROLLAND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be lieutenant general

MAJ. GEN. WILLIAM F. MOOREHEAD III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be lieutenant general

LT. GEN. NORTON A. SCHWARTZ, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601.

To be general

STEVE J. BRASINGTON, 0000

TAKESE, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY.

To be vice admiral

VICE ADM. WALTER P. DORAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RANK RESERVE UNDER TITLE 10, U.S.C., SECTION 1220.

To be captain

WILLIAM M. ACKER III, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RANK RESERVE UNDER TITLE 10, U.S.C., SECTION 1220.

WITHDRAWAL

Executive message transmitted by the President to the Senate on July 26, 2000, withdrawing from further Senate consideration the following nomination:

DEPARTMENT OF JUSTICE

RICHARD J. SCARTH, OF MASSACHUSETTS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

CONFIRMATION

Executive nomination confirmed by the Senate June 26, 2000:

DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY.
HONORING JAKE HARTZ, JR.

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan. Jake Hartz, Jr. celebrates his 80th birthday today, and I think this is a good time to recognize him in the Congress for his accomplishments and service to this country.

Our national agriculture was profoundly impacted by Jake’s promotion and development of soybean farming. His family brought the first soybean seed to the mid-South, and he achieved remarkable success through the Jacob Hartz Seed Co., a leader in the industry. More than just a businessman, Jake’s long-standing service in State and national soybean organizations culminated in his tenure as president of the American Soybean Association; in the interim he founded the Arkansas Soybean Association, served as president of the Arkansas Seed Dealers Association, was named director and finance chairman of the Soybean Bank of St. Louis, and serving on the trust board of the Boy Scouts of America.

Jake was ahead of his time in understanding the importance of research and technology in agriculture. He hired the first registered seed technologist in 1952. In 1973, Jake was appointed to the U.S. Department of Agriculture’s Plant Variety Protection Board, and this experience led him to begin a search program to develop higher-yielding, disease-resistant soybean varieties for the mid-South. Soon thereafter, the Hartz Seed Co. established the largest soybean research facility in the southern United States. Even after retirement, Jake worked tirelessly to protect the valuable surface and groundwater supplies in the Grand Prairie region. Through the conservation measures and alternative water supplies he proposed, Jake contributed significantly toward achieving the re-authorization of the Grand Prairie Region and Bayou Meto Basin project.

Numerous awards and honors have been bestowed upon Jake Hartz, including the Presidential “E” Certificate for Exports to recognize his outstanding contribution to export expansion in Japan, Mexico, and Spain; the U.S. Army Corps of Engineers Commander’s Award for Public Service, in honor of his leadership in protecting natural resources; and special designations from Ducks Unlimited, the Boy Scouts of America, and St. Vincent Infirmary.

As a veteran of World War II, a community activist, an outstanding businessman, a leader in agriculture, and a generous public servant, Jake Hartz deserves our respect and gratitude. On behalf of the Congress, I am proud to extend best wishes to my good friend on his 80th birthday.

Remarks of Amanda Pearson—“Sam Adams: Father of the American Revolution”

HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. MANZULLO. Mr. Speaker, I was visited recently by Amanda Pearson of Rockford, Illinois. Amanda is in our high school. When I discovered that her essay on Sam Adams had been placed in God’s World News, I requested that she send me a copy. The article is so timely that I believe more Americans need to know this story. I commend this article to my colleagues and other readers of the RECORD.

Samuel Adams: Father of the American Revolution

(By Amanda Pearson)

“We must do something. The present situation cannot remain untouched.” The middle-class man with these thoughts over as he paced steadily toward the Boston building that sheltered the town meetings. Samuel Adams shuddered, pulled his jacket closer around him and continued his musings. “The day before yesterday, March 5, several colonists were killed right here in Boston, when those oppressive British regulars opened fire.”

“We are being ruled by a pure tyrant,” he muttered under his breath. “How long must we suffer under a power that violates the laws of nature and of nature’s God?” He turned a corner and walked along the street toward the building at the end. His thoughts turned back to the massacre. “Yes,” Mr. Adams thought. “We must fight to remove the British from Boston before more difficulties arise.”

With that, he marched up the steps and into the building. Yes, Samuel Adams did succeed in getting those British troops removed from Boston. In fact, he became known as the “Father of the American Revolution.”

Young Sam

Samuel Adams was the older cousin of John Adams, who eventually became president of the United States. Samuel was born in Boston, Massachusetts, on Sept. 22, 1722. His father was well-to-do and provided his son with a good education. And Samuel proved to be studious.

At 18, he graduated from Harvard, a college with strong Christian roots. Once he was done with his schooling, he was apprenticed to a well-established merchant in Boston. Eventually, Samuel set up his own business. But he did not care for that profession. He was more interested in politics and the current situation of the colonies.

Sam’s Young Family

Samuel married Elizabeth Checkley in October of 1749. Only two of the couple’s five children—Samuel Adams Jr. and Hannah—reached adulthood.

And his wife, Elizabeth, died on July 25, 1757. Seven years later, Sam married Elizabeth Wells, an industrious woman who helped her step-children and husband to live comfortably in spite of Samuel’s small income.

Samuel reared his family on Christian principles. The Bible was read every night in the Adams household.

Toward Revolution

Samuel Adams knew that the British and King George III of England were treating the colonists unfairly. The people tried to settle their problems with the government peacefully. But the British wouldn’t listen, and things continued to simmer towards a boil.

In 1763, Samuel was one of the first to propose that the American colonies become united to fight against England. Seven years later, he was serving as spokesman for Boston after the Boston Massacre occurred. In 1772, he launched the Committees of Correspondence with the help of Richard Henry Lee. The Committees provided the colonists with the latest current events and kept them up-to-date on British activities.

The Committees

The Committees had three goals:

1. To delineate the rights the Colonists had as men, as Christians, and as subjects of the crown;
2. To detail how these rights had been violated; and
3. To publicize throughout the Colonies the first two items.

One of the documents that the Committees of Correspondence distributed in late 1772 was the “Rights of The Colonists” that Sam Adams had written. His Christian character and knowledge of Scripture were apparent as he wrote: “The Rights of the Colonists as Christians. These may be best understood by reading and carefully studying the institutes of the law giver and head of the Christian Church, which are to be found clearly written and promulgated in the New Testament.”

For God and Country

In 1774, the British governor of Massachusetts attempted to quiet Sam Adams. He offered him a high rank in the colonial government. However, Sam refused to be silenced. “I trust I have long since made my peace with the King of kings. No personal consideration shall induce me to abandon the righteous cause of my country,” he said.

“For God and country,” it is the advice of Samuel Adams to him, no longer to insult the feelings of an exasperated people.”

In 1774, Samuel Adams was elected as a delegate of Massachusetts to the Continental Congress. In 1776 he eagerly signed the Declaration of Independence, declaring the colonies free from England.

In 1778, after the Revolution, Mr. Adams eventually supported Massachusetts’ ratification of the U.S. Constitution, although at first he refused to do so.

He served as governor of Massachusetts from 1793 to 1797 then retired from public service altogether.

In Glory

At the end of his life on earth, Samuel Adams made a final statement of his beliefs in his will: “Principally and first of all, I recommend my soul to that Almighty Being who gave it and my body I commit to the dust, relying upon the merits of Jesus Christ for a pardon of all my sins.”

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mr. Speaker, please join me in honoring Sergeant Major Mildred Fulwood for her dedicated service to the United States Army.

HONORING DR. DONALD J. KRPN

HON. GARY G. MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Donald J. Krpan, D.O., F.A.C.O.O.P., and congratulate him on his induction as the President of the American Osteopathic Association (AOA).

Dr. Krpan, a board certified family practice physician, will lead the nation's 44,000 osteopathic physicians (D.O.s) and the AOA from July 2000 to July 2001. The AOA is an association organized to advance the philosophy and practice of osteopathic medicine by promoting excellence in education, research, and the delivery of quality and cost-effective health care in a distinct, unified profession. Aside from protecting the right and privilege to practice osteopathic medicine, Dr. Krpan will work with the AOA to enhance professional unity, ensure quality education and training programs and preserve basic osteopathic principles.

A practicing family and emergency room physician for 20 years, Dr. Krpan currently serves as the Provost of Western University of Health Sciences College of Osteopathic Medicine of the Pacific in Pomona, California. I am proud to say that my district is the home of both the College and Donald Krpan. In addition, he serves as a member of the board of directors of Mad River Community Hospital in Arcata, California, and is a member of the Joint Conference Committee of Arrowhead Regional Medical Center in San Bernardino, California.

Dr. Krpan has been involved with the osteopathic profession in many capacities before becoming AOA president. He serves as chairman of the ethics committee of the Osteopathic Medical Board of California, and has been a member of the Osteopathic Physicians and Surgeons of California's board of directors. Dr. Krpan has also served as a member of the AOA's Board of Trustees since 1988, as well as a member of its House of Delegates since 1980.

A graduate of the University of Health Sciences/College of Osteopathic Medicine in Kansas City, Missouri, Dr. Krpan completed a rotating internship at Phoenix General Hospital in Phoenix, Arizona. Dr. Krpan has two sons and a nephew who are also osteopathic physicians.

Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending the induction of Donald Krpan, D.O. as President of the American Osteopathic Association.

OSHA AWARD FOR SPRINGFIELD REMANUFACTURING

HON. ROY BLUNT
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. BLUNT. Mr. Speaker, today I congratulate President Donald Krpan, President of the Springfield Remanufacturing Corporation in Springfield, Missouri as they attain the highest status available in OSHA's Voluntary Protection Program.

The company located in Missouri's Seventh Congressional District employs 370 people in the remanufacturing of diesel engines for trucking, agriculture and heavy equipment industries. With this award from the Occupational Safety and Health Administration, the company joins a select group of only 15 other firms in the state, four in Springfield, with the designation of Star Sites. Nationally there are only 550 sites which have attained this level of commitment to worker safety.

The certification was granted after an intensive self study of safety policies, procedures and practices by employees at all levels followed by a rigorous comprehensive review visit by OSHA inspectors who found the workplaces to be fully in compliance with all regulations.

According to OSHA this designation means that the health and safety practices and procedures developed by the company are models within their industry, and that the company is achieving the highest levels of health and safety compliance.

I would also point out that this outstanding achievement is the result of a cooperative effort between public and private entities rather than a unilateral regulatory effort on the part of a lone federal agency. To quote OSHA “This concept recognizes that compliance enforcement alone can never fully achieve the objectives of the Occupational Safety and Health Act. Good safety management programs that go beyond OSHA standards can protect workers more effectively than simple compliance.” Springfield Remanufacturing Corporation, apart from this award, is a success story on its own. In 1983 employees of the Remanufacturing Division of International Harvester purchased the operation from the parent company and established it as an employee owned company. The firm has since established a number of its own subsidiaries and has been named as one of the “The 100 Best Companies to Work for in America”.

I express my appreciation, and that of all my colleagues, to President Jack Stack, Plant Manager Marty Callison and Safety Director Kathy Miller for their leadership in bringing this national recognition to Springfield, Missouri and the Seventh Congressional District.

IN RECOGNITION OF NEW HAVEN POSTMASTER SHELDON RHINEHEART FOR OUTSTANDING PUBLIC SERVICE

HON. ROSA L. DELAURA
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Ms. DELAURA. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding
INTRODUCTION OF THE LOCALLY REGULATED TOWING ACT

HON. JAMES P. MORAN
OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. MORAN of Virginia. Mr. Speaker, I am pleased today to be introducing the "Locally Regulated Towing Act." This legislation will restore the ability of local governments to regulate tow truck operations.

Congress took this authority away from state and local governments in 1995 when it passed the Federal Aviation Administration Authorization Act of 1994, (P.L. 103-305). This law was intended to replace multiple and sometimes conflicting state and local regulations on interstate carriers such as Federal Express and UPS, with a single uniform, national regulation. Expanding services like those of Federal Express and UPS urged passage of the law to help lower costs and improve their delivery time. While the law achieved its objectives, it also opened a loophole that permitted tow trucks to qualify as an interstate carrier and thereby exempted them from state and local regulations.

Unlike Federal Express, UPS, and other major interstate carriers which are regulated by the federal government, tow truck operators are not. Congress has never granted any federal agencies the power to regulate tow trucks. As a result, their operations are free of any direct oversight or public accountability.

In response to growing complaints about tow truck operators, Congress did amend the law in December 1995 (P.L. 104-88) to permit state and local governments to regulate prices on non-consensual towing. This change in federal law restored state and local governments' ability to regulate towing performed without the permission of the vehicle's owner, as is the instance where owners of vacant, private lots arrange for a tow truck operator to remove cars parked there without their permission. I am familiar with a number of alleged "sham operations" where lot owners failed to properly post signs that prohibited parking. Local business and restaurant patrons and tourists unable to find street parking were enticed to use these vacant lots only to discover later their cars were towed away and the cost to recover them is $100 or more.

Unfortunately, this modest change in federal law has had limited success. Consumer complaints about tow truck operators still abound. In the last two years, Arlington County, a jurisdiction I represent, received more than 160 complaints ranging from rates charged, some as high as $120, to vehicle damage, theft and rude behavior. People who have had their vehicles towed have told my office about having to go to impoundment lots late at night in dangerous neighborhoods to recover their cars. When they get there, they are told that only cash is accepted.

Moreover, State and local ability to reassert control over tow truck operations have been thrown into even greater confusion following two conflicting Federal appeals court rulings. Ace Auto Body & Towing v. City of New York upheld the ability of states and local governments to regulate pricing issues and prices of non-consensual towing, while R. Mayer of Atlanta, Inc. v. City of Atlanta denied local government's similar authority.

The only real and effective solution to this problem is to restore full state and local authority over all tow truck operations. The legislation I am introducing today will accomplish this objective. It is a common sense, pro consumer piece of legislation. I urge my colleagues to support it.

REMARKS IN HONOR OF THE LATE JUDGE JON BARTON

HON. KAY GRANGER
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Ms. GRANGER. Mr. Speaker, today I honor Judge Barton for his good work and dedicated career. I wish him many years of continued health and happiness in his retirement.

Judge Barton was born on October 12, 1956, in Pecos, Texas, to Larry and Nell Barton. However, he spent most of his childhood in Waco, Texas, and eventually received his Bachelor's degree in Business Administration and Juris Doctor degree from Baylor University. In 1987, Judge Barton received his Master's degree in Finance from Colorado State University. That same year, he married his lovely wife Jennifer.

After practicing law in Corpus Christi and Fort Worth, Texas, Judge Barton was elected to preside over the 67th District Court in 1996. Judge Barton was a talented and hard-working individual. There is no question that he will be deeply missed within the Texas legal community.

Judge Barton was very active in our area. He was a member of the Downtown Fort Worth Rotary Club and past president of the Hurst-Euless-Bedford Rotary Club. Judge Barton served on the advisory board of the John Peter Smith Health Network and was a charter member of the Center for Christian Living. As a man of God, he actively served Broadway Baptist Church in Fort Worth, Texas. Judge Barton was always willing to give of himself to his community, his church, and his family.

Judge Barton was known for his great sense of humor and for his kindness to all. He was a committed husband and father who loved his family deeply. Judge Barton faced cancer with the same humor and courage that he lived his life. His deep faith in God gave Judge Barton the strength to carry on throughout his struggle with sinus and liver cancer. His life and fight with cancer serve as an inspiration to us all.

Again, my heart goes out to Judge Barton's family and to all those who are grieving his passing. Judge Barton will truly be missed, but his spirit will live with us forever.

2102 BANKS OF PROMISE

HON. PETE SESSIONS
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. SESSIONS. Mr. Speaker, I rise today to recognize the commitment that more than 2000 banks in our great country have made to our Nation's Youth. Last year, the American Bankers Association pledged to enroll 1000 banks in America's Promise, the organization led by General Colin Powell that draws on the talents and resources of public, private and nonprofit organizations to improve the lives of our nation's youth. Banks of Promise agreed to increase their involvement in programs and activities that benefit children in order to provide them with the five fundamental resources they need to succeed in life. Those resources are: (1) an ongoing relationship with a caring adult; (2) a safe place with structured activities during non-school hours; (3) a healthy start in life; (4) a marketable skill through effective education; and (5) a chance to give back through community service.

The response by the industry has been overwhelming. Today, the American Bankers Association and the banks of Promise more than doubled to 2102, reflecting the banking industry's commitment to its communities. America's youth and the future of our nation. These banks—and state
bankers associations across the country—are offering the children in their communities every-thing from job training and mentoring to safe and accessible playgrounds and financial education. Indeed, our nation’s banks are making an invaluable investment: they are in-vestment in our children.

Mr. Speaker, today I rise not only to recog-nize the banking industry’s commitment but also to encourage other businesses, organiza-tions and individuals to make a similar invest-ment in their local youth. From Fortune 500 companies to government agencies to the local and pop culture—we all have the ability, and the obligation, to help our children succeed in life.

One familiar quote adequately sums up the importance of America’s Promise. It says: “One hundred years from now, it will not mat-ter what my bank account was, the sort of house I lived in, or the kind of car I drove. But the world may be different because I was im-portant in the life of a child.”

To learn more about the Banks of Promise program and to see a list of the participating banks go to www.abacom.

A TRIBUTE TO DR. JUDSON HARPER

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. SCHAFFER. Mr. Speaker, today, on the eve of his impending retirement, I honor Dr. Judson M. Harper, Vice President for Re-search and Information Technology and Pro-fessor of Chemical and Bioresearch Engineer-ing, at Colorado State University (CSU), lo-cated in Fort Collins, Colorado. During his ten-ure at the University, Dr. Harper has been in-stumental in positioning CSU as a world-class leader for research in the fields of animal sciences, information technology, natural re-sources management, atmospheric sciences, and agriculture.

In 1993, Dr. Harper orchestrated the con-struction of the Animal Reproduction and Bio-technology Lab, located on the campus of CSU. With the acquisition of this nationally-ren-owned research facility, CSU became the first in the nation to develop artificial insemina-tion procedures for livestock. Other accom-plishments associated with the lab include pio-neering efforts in gene splicing and cloning. Research projects from the Animal Reproduc-tion and Biotechnology Lab have also ensured the United States’ livestock production industry remains competitive internationally.

Dr. Harper is also primarily responsible for establishing the Center for Geosciences at CSU. The Center, in partnership with the De-partment of Defense, is entering into a fourth phase of research projects to develop more sophisticated equipment and technology to better understand weather dynamics as it relates to military activities.

Dr. Harper has not only provided leadership in the scientific arena, but as the interim presi-dent in 1887, when Dr. Albert Yates, current CSU President, was away on sabbatical. Dr. Harper also directed the University through perhaps its darkest period. The flood of 1997, one of the worst weather disasters in the his-ty of the state, claimed five lives, destroyed 2000 homes, and damaged 212 businesses, resulting in a $200 million loss. Thirty buildings on the CSU campus sustained damage and nearly 200 faculty, staff, and students were displaced. Many books were ruined, and trag-ically, many faculty lost much of their life’s work. Disaster officials were extremely im-pressed with the efforts of the University in assisting the credit to Dr. Harper.

An active administrator and respected re-searcher, Dr. Harper is recognized internation-ally as an expert in the area of food extrusion, a process by which food ingredients are heat-ed and fashioned in an effort to achieve desired shapes and textures. Food extrusion is energy efficient, cost effective, and has become a central part of many modern food processing operations. His accomplishments in this area include 77 journal publications, two books, and 10 separate chapters in other works. In addition, he is also the co-holder of five U.S. patents.

Mr. Speaker, I have had the good fortune to work with Dr. Harper for many years and on many projects during my service as a Colo-rado State Senator and a United States Con-gressman. I regard him as a friend, an honor-able public servant, a scholar, and one of the most decent human beings I’ve ever met. Dr. Harper’s devotion to Colorado State University and the people of Colorado has been the basis for the profound legacy he has estab-lished.

Future generations may one day become unfamiliar with the name of Jud Harper, but all will be touched just the same by his exem-plary work and his superior intellect. There are many reasons Colorado State University has risen to the top in its field of achieve-ment. Dr. Jud Harper is among the most sig-nificant leaders who have positioned the insti-tution in a place of such world-class prestige.

Mr. Speaker, Dr. Jud Harper is leaving be-hind a tremendous legacy as he moves on from Colorado State University to the next phase of his life. He will truly be missed.

TRIBUTE TO THE RED ARROW CLUB

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. KLECZKA. Mr. Speaker, today I honor the 32d Division laid their lives on the line for their country, asking nothing in return. And once again on October 15th, 1961 the “Red Arrow” answered the call of their country to protect our vital interests overseas, this time for the Berlin Crisis.

For their bravery, members of the 32d have received a total of ten Congressional medals of Honor and fourteen Distinguished Unit Cita-tions. In addition, the unit has received several decorations including the Presidential Unit Ci-tation (Army) and the Philippine Presidential Unit Citation.

This special day serves to honor the many veterans who answered the call to duty to serve their country in this distinguished divi-sion, a number of whom made the ultimate sacrifice and never returned home to family and friends. To the veterans, as well as those on active duty, my sincere congratulations on this very special milestone in the 32d Divi-sion’s history. It is an honor that is well de-erved.

HONORING THE LATE DIANE BLAIR

HON. MARION BERRY
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan. Today President Clinton, First Lady Hillary Rodham Clinton, and many other distinguished citizens of Arkansas are attending a memorial service in Fayetteville to celebrate and honor the life of Diane Blair, who passed away last month. I believe that Diane Blair also deserves a tribute in the Congress, because her influence and service impacted our nation as well.

Diane was first and foremost a professor of political science at the University of Arkansas, and it was through this role that she touched an entire generation of Americans. She lit-erally “wrote the book” on Arkansas politics—Arkansas Politics and Government: Do the People Rule? It still stands as the one and only authoritative treatment of the subject. Beyond her academic accomplishments, Diane is best remembered as a caring and thoughtful teach-er. She engaged her students, and imparted her love of learning to them.

Moreover, through her example she inspired countless people to become active in the political system. She was the conscience of the Democratic party in Arkansas for years, but her grace and magnanimity attracted admirers from across the political spectrum. She was an outspoken advocate for women and edu-cation, and for progress in general.

Her accomplishments are manifold and di-verse: chairwoman of state and national com-missions, including the Corporation for Public Broadcasting; professor emerita; author and editor of two books; mother of five, grand-mother of two.

The life of Diane Blair will be memorialized in many ways. The University of Arkansas will create a center for the study of southern polit-ical culture in her name. The Corporation for Public Broadcasting has already named its new boardroom in her honor. However, the best memorial to Diane Blair exists in the hearts and minds of her friends, students, and loved ones. As Diane said, I am proud to count myself among this fortunate group, and on behalf of the Con-gress I extend my deepest sympathies to the family of Diane Blair in their time of mourning.
IN RECOGNITION OF GARY FRANCIS THOMAS, UPON HIS RETIREMENT FROM THE OFFICE OF THE SERGEANT AT ARMS

HON. ALBERT RUSSELL WYNN
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. WYNN. Mr. Speaker, today I congratulate Mr. Gary Francis Thomas upon his retirement from the United States House of Representatives Office of the Sergeant at Arms, after thirty-six years of service.

Mr. Thomas began his career in Congress in 1962 working for the Architect of the Capitol in the Loan Office, where he served for five years. Upon completing his work with the Architect of the Capitol in 1970, Mr. Thomas transferred to the Parking Office, where he is now completing his thirty-six year career. Mr. Thomas began his career during the 89th Congress when Representative John W. McCormick was Speaker of the House and Lyndon B. Johnson was President of the United States. He has since served under eighteen Congresses and seven Presidents, rising within the Sergeant at Arms Office to the supervisory level.

Mr. Thomas resides in the 4th Congressional District of Maryland, which I am proud to represent. He is the father of six, three boys and three girls, while his wife, Mrs. Janell Thomas, is currently expecting the couple’s seventh child. Mr. Thomas is a man of conviction and community service, dedicating his free time to fostering youth development. He has also been an active Minister for the past ten years at the Remnant Ministries. Gary Francis Thomas’ dedication to all he has served here in Congress will undoubtedly be missed. Whether it was assisting Members of Congress with car problems or issuing parking permits to staff, Mr. Thomas served the entire Capitol Hill community without reservation, always in high spirits and with a good word for everyone.

Mr. Speaker, I ask that my colleagues join me in extending our sincerest appreciation and best wishes to Gary Francis Thomas upon his retirement from the United States Congress.

PERSONAL EXPLANATION

HON. DOUG OSE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. OSE. Mr. Speaker, on rollcall No. 429, I was unavoidably detained due to a plane delay. Had I been present, I would have voted “aye.”

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT

SPEECH OF
HON. JERRY WELLER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 2000

Mr. WELLER. Mr. Speaker, I submit for the record a letter written by the Joint Committee on Taxation (JCT) regarding a provision included in H.R. 4843, the Comprehensive Retirement Security and Pension Reform Act. This letter should help to clarify the provision which applies to the Section 415 limits for multiemployer pension plans.

The JCT letter helps to clarify that, if the IRS follows the precedents it has established in the past, the individual multiemployer pension plans will be able to provide benefit increases for individuals who are already retired from their plan related employment if all of their benefits have not been previously distributed. This means that an employee who is currently retired from union employment can benefit from the Section 415 modifications included in H.R. 4843.

I am particularly interested in this issue because of a family in my district who loses more than one-half of their annual pension because of the Section 415 limits. Larry Kohr is a retired union worker who lives with his family in my district in Illinois. Larry loses more than one-half of his annual benefits because of the 415 limits. The letter issued into the record today clarifies that the IRS and the individual multiemployer pension plans will have the right and the ability, once the 415 changes are signed into law, to ensure that current retirees, such as Larry, can benefit from the changes in the Section 415 limits.

Mr. Speaker, thank you for the opportunity to clarify this important issue.

CONGRESS OF THE UNITED STATES, Joint Committee on Taxation, Hon. Jerry Weller, House of Representatives, Washington, D.C.

DEAR Mr. Weller: This is response to your request dated July 18, 2000, regarding the provision in H.R. 4843, the “Comprehensive Retirement Security and Pension Reform Act,” as reported by the Committee on Ways and Means, modifying the section 415 limits on benefits under multiemployer pension plans. Specifically, you requested information concerning the impact that the enactment of H.R. 4843 would have on the authority and ability of multiemployer pension plans to increase benefits to reflect the changes in the Section 415 limits. Mr. Weller, thank you for the opportunity to clarify this important issue.

Department of the Treasury, Internal Revenue Service

IN RECOGNITION OF CAPTAIN BARBARA P. MORGAN FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Ms. DeLAURO. Mr. Speaker, today I pay tribute to an outstanding individual whose service to our nation and the Greater New Haven community is unparalleled. Captain Barbara P. Morgan has served as the Commander of the U.S. Navy and Marine Corps Reserve Center in New Haven, Connecticut for the past three years and has recently announced that she will be leaving her command to attend the Naval War College.

As Commander of the Reserve Center, Captain Morgan has been a driving force in involving the Reserve Center with the surrounding community, opening its doors to government agencies and community programs. The American Red Cross, New Haven Public School’s after school program, Sea Cadets and various veteran organizations have
all benefited from her generosity. Captain Morgan has been a leading advocate for the Marine Cadets of America, a very special program for the young people of Greater New Haven, to whom she has provided support as the Commanding Officer and by encouraging the entire community to participate in the operation of the program.

For twenty-two years, Captain Morgan has served in the United States Navy with honor and distinction. She has been decorated with the Meritorious Service Medal, Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal—a reflection of her remarkable career. Captain Morgan has demonstrated a unique commitment to our community—rare for an individual who has only been with us such a relatively short time. I commend her for her efforts and extend my deepest thanks and appreciation to her for her invaluable contributions.

I am proud to rise today to join her husband, William, friends, colleagues, and community members to thank her for her outstanding service and wish her well as she departs for the Naval War College.

PERSONAL EXPLANATION

HON. VAN HILLEARY
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. HILLEARY. Mr. Speaker, on Monday, July 24, I was unavoidably detained from the House chamber when my flight from Tennessee to return to Washington was canceled due to weather conditions. Had I been present I would have cast my vote as follows: Rollcall No. 373, yes; Rollcall No. 374, no; Rollcall No. 375, yes; Rollcall No. 376, no; Rollcall No. 377, yes; Rollcall No. 378, no.

On Monday, July 24, I was unavoidably detained from the House chamber while I attended a funeral in Tennessee of the mother of my good friend and our colleague, Representative BILL JENKINS. Had I been present I would have cast my vote as follows: Rollcall No. 429, yes.

TRIBUTE TO CARTER BROADCAST GROUP, INC.

HON. KAREN McCARTHY
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Ms. McCARTHY of Missouri, Mr. Speaker, today I pay tribute to the Carter Broadcast Group, Inc., owner of KPRS-FM and KPRTr-AM radio, the oldest African-American owned and operated radio station in America. This year they celebrate 50 years of excellence as one of Kansas City’s, and the nation’s, most established and respected broadcasters.

In 1950, Andrew “Skip” Carter had a dream to build a black-owned radio station in Kansas City that would serve the needs of his community. His station, KPRS-AM was only the second African-American station to receive a broadcast license from the Federal Communications Commission (FCC). Operating with just 1,000 watts, it went on the air playing such artists as Ray Charles and James Brown. It had to go off the air at sundown because of the low wattage.

In 1983 Skip Carter received a license from the FCC to operate a 100,000 watt FM facility. In 1973, their stations became the first fully automated stations in the Midwest.

Skip Carter and his wife, Mildred, had operated the two stations as a family business since their inception. Their grandson, Michael, had his own jazz show in the late 1960’s at eight years of age. In 1987 Michael Carter was named President of KPRS Broadcasting Corporation by his grandfather to carry on the family tradition. The name was later changed to the Carter Broadcast Group, Inc. to honor Skip Carter’s legacy.

Between 1990 and 1996 KPRS advanced from the eighth rated station to the top rated station in the Kansas City market as measured by Arbitron. This recognition of the “Hot 103 Jamz” came about by the hard work and dedication of the total staff, which has been incorporated into the Carter Broadcast “Family.” There have been numerous accolades during their 50 years. Skip Carter was named to the Radio Hall of Fame, the station received a Crystal Award from the National Association of Broadcasters, a Griffin Award from the Missouri Broadcasters Association for Community Service, and their recent nomination for the Marconi Award from the National Association of Broadcasters which recognizes excellence in radio. Winners of the Marconi Award will be announced September 23 in San Francisco, our community will be cheering them as they are acknowledged and honored. They have been recognized for business successes and community service on many occasions. Three times they have been honored as a Top 10 Small Business of the Year by the Greater Kansas City Chamber of Commerce, the most recent being this past April. They have constantly stepped forward in the community in times of crisis. When children have been abducted, they have devoted live broadcast time to assist in finding them. They have lent their airwaves to help raise funds for community organizations such as the Ad Hoc Group Against Crime. In 1999 alone, the stations assisted more than 150 community organizations and aired 10,000 community service spots.

Saturday, July 22, the Carter Broadcast Group is having a “50th Anniversary Gala.” The proceeds from this event will benefit the St. Vincent’s Day Care Center, which serves many of Kansas City’s critically at risk children.

In celebration of this significant milestone, I am honored to recognize Michael Carter and the Carter Broadcast Group’s efforts and legacy. Mr. Speaker, please join me in congratulating the Carter family and the entire organization for 50 years of service to the Greater Kansas City community.

HON. J.C. WATTS, JR.
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. WATTS of Oklahoma, Mr. Speaker, today we celebrate the passage in the House of Representatives of legislation which will bring hope and opportunity and faith-based solutions to thousands of Americans who live in our nation’s older, struggling communities. At the same time we celebrate its passage, we should also commemorate the lives of those who have devoted themselves in that same spirit to bring hope and opportunity to their own communities across America.

One of those individuals is Rev. Aminah Bullock-Mumin who passed away on Thursday and was laid to rest today just as we were debating and voting on this legislation.

Rev. Bullock was born on May 26, 1943 to the late Charles and Etta Coates. Aminah
completed high school and attended the University of the District of Columbia. She married, had four sons, and worked for the Veterans Medical Center in Washington, DC, for more than 25 years, receiving many honors and awards for outstanding service, before retiring last year on medical disability.

Aminah Bullock-McDermott was a minister who loved preaching and teaching the Word of God. She had a vision to start a Women’s Ministry which she lived to see become a reality. She was the chairperson of the Women’s Ministry, served on the Missionary Ministry and assisted many families who resided in women and children shelters.

As we here today in the Capitol seek to give tools to those who work to improve their local communities, it is fitting to take a moment to recognize the good works and good life of Rev. Aminah Bullock-McDermott who dedicated herself to improving the lives of others.

80TH BIRTHDAY OF BRIG. GEN. ROBERT F. MCDERMOTT, USAF (RET.)

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. BONILLA. Mr. Speaker, Monday, July 31, 2000, is the 80th birthday of retired Air Force Brigadier General Robert F. McDermott. I offer congratulations and continued happiness to him and his loved ones. On this special day for “McD,” I wish to honor and salute him for his lifelong service to his fellow Americans.

Born in Boston, Massachusetts, General McDermott attended Boston Latin School and Norwich University. He graduated from West Point with the Class of January 1943. After commissioning, he flew 61 combat missions in a P-38 over Europe. After World War II ended, he continued his military service in Europe, the Pentagon, and, after earning an MBA at Harvard, on the faculty at West Point.

His assignment to the newly created Air Force Research Academy in 1954 signaled the beginning of his outstanding contributions to the U.S. Air Force. As Dean of the Faculty for the first ten graduating classes, he pioneered and championed a number of innovations that changed the face of service academy education. These included a modernized and enriched curriculum, academic majors, the first Department of Astronautics in the country, and cooperative Master’s degree programs with prestigious universities such as UCLA and Purdue. He also developed a whole-person admissions program which brought the highest quality students to the Academy. These innovations were so successful that West Point and Annapolis broke with their traditions and instituted many of them. For these accomplishments, General McDermott is universally acknowledged as the “Father of Modern Military Education.”

For many this would have been enough success for one lifetime, but not for McD. In 1969 he tackled the private sector, becoming the head of USAA, an insurance and financial services association that served military officers and their families. Under General McDermott USAA grew from a relatively small property and casualty insurer into a successful financial services supermarket. He added no-load mutual funds, credit cards, a discount brokerage, and a full-service bank. He also pioneered technology-based customer service, employing “800” phone services, computers, and IMAGE processing. Today USAA is a worldwide insurance and diversified financial services entity, where the majority of customers continue to be members of the U.S. military.

General McDermott also made USAA a great place to work. No company was rated higher in the first publication of the “Best Places to Work in America,” and Fortune selected USAA as the best service provider in the insurance industry. McD has received virtually all the highest accolades offered to businessmen, including selection to the National Business Hall of Fame. After retiring as USAA Chairman Emeritus in 1993, his methods continue to be a model for insurance and financial services companies.

At the same time McD has made enormous contributions to his community, including founding the San Antonio Economic Development Foundation, the Texas Research Park, and a mentor program that has reached thousands of children. General McDermott’s energy, vision, intelligence, character, and belief in the Golden Rule have made everything he touches positive and successful.

Once again, Happy Birthday McD. Congratulations on a great 80 years and best wishes for many more.

IN RECOGNITION OF DR. OTAKAR HUBSCHMANN

HON. BOB FRANKS
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, today I recognize an individual who epitomizes the spirit of public service, Otakar Hubschmann, M.D.

Dr. Hubschmann, a nationally renowned neurosurgeon from Short Hills, NJ, received his medical degree in May 1967 from Charles University in Prague. Later that same year, he defected from Communist-ruled Czechoslovakia and fled to England. He sought and attained asylum in the United States where he completed his medical residency at Albert Einstein College of Medicine in New York. After his residency, he served as a Major in the United States Army and eventually became a full tenured professor at the University of Medicine and Dentistry of New Jersey. He currently serves as Chief of Neurological Surgery at Saint Barnabas Healthcare System in West Orange, NJ.

Since the demise of Communism in Czechoslovakia in 1989, Dr. Hubschmann has been involved in a number of important projects to help the newly democratized Czech Republic. He has led efforts to secure much needed medical equipment for Czech hospitals, has been an invited lecturer at Charles University and has worked with Mrs. Olga Havel, the former Czech First Lady, to help developmentally disabled children in the Republic.

Recently, Dr. Hubschmann founded “Lacrosse Without Borders,” to develop new friendships and enhance international tolerance through lacrosse, a sport originated by Native Americans. Through his tireless efforts, “Lacrosse Without Borders” hosted 20 former and current college lacrosse players in Prague earlier this month. These young American athletes ran lacrosse instructional clinics and participated with their Czech counterparts in the Prague Cup 2000. This extremely successful program generated a great deal of interest in Prague and significant media coverage both within the Czech Republic and here in the United States.

Mr. Speaker, please join me in recognizing Dr. Otakar Hubschmann’s selfless efforts to promote positive relations between the United States and the Czech Republic.

RECOGNIZING THE CHEVRON CORPORATION AND THE YOSEMITE NATIONAL PARK VOLUNTEER PROJECT

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. RADANOVICH. Mr. Speaker, today I recognize the outstanding work of the Yosemite National Park Volunteer Project. The project is celebrating a decade of effort by the Yosemite Fund and volunteers from Chevron Corporation to restore and preserve one of the crown jewels of our National Park System. Yosemite’s 4 million valley visitors will bear witness to the fruits of this effort: More than 60 acres of meadows, lake area and woodlands have been restored. Nearly 3,000 volunteers donated 27,500 hours to a project which improves conditions in Yosemite which might still be in danger of permanent degradation if it were not for this timely volunteer and financial assistance. This cooperative effort is a model public/private partnership that has made a lasting difference in one of this nation’s most beautiful and most important natural settings.

NANCY BERRY INDUCTED INTO THE NATIONAL TEACHERS HALL OF FAME

HON. STEVE BUYER
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. BUYER. Mr. Speaker, on June 14, I had the great opportunity to speak before a very select group of individuals, the year 2000 inductees into the National Teachers Hall of Fame. These are individuals who have shown exceptional dedication and creativity in the teaching profession.
It was a great honor to have as one of the inductees Nancy Berry, the Principal of Columbia Elementary School in Logansport, Indiana. At Columbia Elementary School you would be welcomed to “Berryland,” the creative classroom of Nancy Berry, where children acquire an appreciation to learn. Nancy has taught in the classroom for Logansport Community School Corporation for over 20 years. Although she has been principal for the last three years, she still keeps active in the classroom.

Nancy, as well as the other inductees, has the gift to spark the imaginations of our children and the commitment to demand excellence and character, not only from students, but also in inspiring other teachers to strive for these goals. Nancy has created educational materials as well as a management program that promotes dignity, imagination, self-discipline, and responsibility. As Nancy puts it “behavior is like a shirt, it can be changed.”

It was my privilege to welcome these outstanding teachers to the National Teachers Hall of Fame, and on behalf of grateful parents and a grateful nation, to express thankful appreciation to them for their hard work and dedication.

COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR

HON. SAM GEJDENSON OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. GEJDENSON. Mr. Speaker, it is with great appreciation today, on the fiftieth anniversary of the Korean War, to celebrate those who fought for this country and its ideals.

I respect those who served in the Korean War and for the more than 54,000 who didn’t return. I commend the men and women who served valiantly and with little recognition. These brave veterans returned home and went back to work to make our country the greatest nation on Earth.

Because of this lack of attention, the Korean War has frequently been called “The Forgotten War.” Today I say that we have not forgotten. To this day, American and South Korean troops stand watch on the Korean peninsula, living testaments to this critical episode in the annals of the Cold War. Millions of citizens in South Korea remember the sacrifices Americans made and cherish the freedom that we fought to preserve for them.

Let me also pay special tribute to those who have made it their mission to ensure we do not forget those who fought there and did not return. Bob Dumas, a constituent of mine, continues his untried search for his brother, Roger, who remains MIA in North Korea. Remains of another twelve American servicemen were returned to the U.S. by North Korea on Saturday. I believe we must continue to press until we have accounted for all lost in the conflict.

Finally, let me challenge my colleagues to take this opportunity, while we are remembering this “Forgotten War,” to renew our commitment to those who served with honor, those who fought bravely, and those who died with valor in the service of our country—our veterans. Whether they served at Chosin Reservoir, Bunker Hill, Bloody Ridge, or Heartbreak Ridge, let us respect their service and sacrifice through fully supporting those programs which they truly deserve: adequate funding of medical facilities including mental health programs; more Community Based Outreach Clinics to bring health care closer to our aging veterans; more coordination among federal agencies for our homeless veterans; and continuous support for those who seek rehabilitation.

Given the sacrifices of our veterans, we owe them much more than just a debt of gratitude—we owe them the care that they earned.

ASSURING QUALITY OF ELDER CARE IN NURSING HOMES—THE INTRODUCTION OF H.R. 4898 TO REQUIRE AIR CONDITIONING IN NURSING HOMES

HON. TOM LANTOS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. LANTOS. Mr. Speaker, on June 15th and 16th of this year, three elderly patients died at the SunBridge Care and Rehabilitation home in Burlingame, California, in my Congressional District and five others at the home were hospitalized during a heat wave when temperatures soared to 108°.

When county officials visited the nursing home in Burlingame during last month’s heat wave, fans were pointed toward staff, while elderly people were dying. Those deaths are under investigation by state and local officials in California.

Mr. Speaker, we cannot have the federal government financially supporting nursing homes where conditions are life-threatening. That is why I have introduced H.R. 4898, legislation which will require air conditioning in nursing home facilities which receive Medicare or Medicaid funding. If the operators of these profit-making facilities are not willing to assure humane conditions for the elderly living there, they will not receive federal funds.

H.R. 4898 amends the Social Security Act to add the requirement for air conditioning to the specifications which nursing home facilities must meet in order to be eligible for federal funds. Because Medicare and Medicaid provide a major portion of the funding for many of the patients at most nursing homes in the country, this legislation will require virtually all such facilities to have air conditioning.

Mr. Speaker, these deaths in California occurred just a week after the release of a congressional study which was conducted at the request of the members of the Bay Area congressional delegation. This study revealed how substandard the conditions are in nursing homes in our area. The study found that only 6 percent of Bay Area nursing homes were in “substantial compliance” with federal standards, and 41 percent of homes were found to have violations of federal standards “that caused actual harm to residents or placed them at risk of death or serious injury.” In short, this report says our nursing homes are in crisis, and corrective action is necessary.

Just one week later we saw the consequences in the tragedy in Burlingame.

Mr. Speaker, this need for air conditioning is not just a California problem. The heat wave now affecting much of the Southern states over the past two weeks has been blamed for the deaths of at least 12 people in Texas and four in Louisiana. Heat kills. It is an absolute outrage that elderly people in nursing homes are dying because it’s too hot. We need to take action to protect our elderly who are in nursing homes. I urge my colleagues to join me as cosponsors of H.R. 4898 so that we can protect our elderly citizens, our father and mothers, mothers, brothers and sisters, and friends from the heat when they are cared for in nursing homes.

CHINA LAKE NAVY MUSEUM

HON. WILLIAM M. THOMAS OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. THOMAS. Mr. Speaker, on July 28th supporters of the Naval Air Warfare Center, Weapons Division, China Lake will gather together in Ridgecrest, California for the ribbon cutting of a new Navy museum dedicated to the history and achievements of the people who have worked at China Lake since the 1940s. As a Life Member of the Museum Foundation that is collecting private funds to create this monument, I support this effort to preserve a complete record of China Lake’s record for future generations.

Those of us familiar with China Lake have a strong sense of what the Navy personnel and employees have done for this Nation’s defense. China Lake personnel developed the first Sidewinder air to air missile. China Lake has been the source of technological advances in cruise missiles, fuel-air munitions, infrared and other technologies that Americans in uniform rely on in their quest to defend the nation. It is a remarkable story proving what exceptional dedication can accomplish.

By building this museum, we can preserve a record of the achievements of people at China Lake. Those achievements are a source of justifiable pride in eastern Kern County, California. With this museum, they become a source of inspiration to visitors and to those important future Americans who will come to China Lake to solve new problems.

RECOGNIZING THE SHEWSBURY HIGH SCHOOL COLONIALS BASEBALL TEAM

HON. JAMES P. MCGOVERN OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts, in celebrating the outstanding performance of the Shrewsbury High School Colonials Baseball team. Their remarkable season came to an abrupt end on June 19th with their defeat in the Division 1 State Championship game. This defeat, however, could not detract from their extraordinary season.

The mentality of the Colonials’ baseball team can be summed up in a common idiom—“comeback kids.” However, there is nothing “comeback” about these upstart distinguished young men. This season, driven by the passionate leadership of Coach Dave Niro, the Colonials surprised many with late-inning...
rallies, strong defense, and incredible hitting. As a matter of fact, four of their last six wins were come-from-behind victories. It was their “never-say-die” attitude that lifted the spirits and performance of the Shrewsbury High School Baseball team to a level that very few anticipated.

Teamwork was the key to the Colonials’ highly successful season. Led on the field by co-captains Catcher Jimmy Board and First Baseman Jamie Bunomo, every player performed to the highest level. The sensational play of outfielders Shayne Barnes, Tommy Crossman, and Tim Kilroy, the outstanding defense of infielders Jon Bacotti, Alex Biaz, Ryan Bigda, Bill Orflea, and Andy Morano, the mastery of pitchers Shawn Walker, Lee Diamotopolous, Brendan Slavin and Mike Sigismondo, the clutch hitting by designated hitter Matt Vaccaro and the numerous contributions by players Bob Roddy, Nick Dion, Matt Amdur, Todd Cooksey, Tim Ford, and Brian Merchant helped make this season such a success. Also, special recognition must be extended to Head Coach Dave Niro, assistants P.J. O’Connell and Jay Costa, and manager Michelle Pessolano.

It is with tremendous pride that I recognize the members of the Shrewsbury High School Colonials Baseball team for an unforgettable season. I congratulate them on their accomplishment and wish them the best of luck in the years to come.

Oversight and Investigations on Portals Building

Hon. Ron Klink
Of Pennsylvania
In the House of Representatives
Tuesday, July 25, 2000

Mr. KLINK. Mr. Speaker, yesterday, the Commerce Committee received a letter from the Department of Justice which stated that the Department found that “there is not a sufficient basis to warrant a criminal investigation” concerning whether a document was “intentionally” withheld by Tennessee developer Franklin Haney or one of his business associates in a “deliberate” attempt to obstruct the Committee investigation of the lease for the Portals building. That building is now the headquarters of the Federal Communications Commission.

This letter marks the second time in two years that the Justice Department has rejected the majority’s call for a criminal investigation because staff believed its Portals’ work had been obstructed. In December of 1998—after the Committee’s year-long investigation and seven days of hearings resulted in a spectacularly unsuccessful attempt to uncover improper political influence in the leasing of the Portals building—the majority wrote a staff report outlining its unsubstantiated suspicions and asked Justice to determine if the witnesses had made false statements “under oath in a deliberate effort to mislead the Committee and obstruct its legitimate fact-finding processes.”

This referral was made, even though not a single witness testified to improper influence, and not a single document provided the necessary evidence. Justice responded by stating that there was no “specific and credible” evidence to support the allegations of perjury and conspiracy.

The majority has never accepted the results of their own investigation or even the FBI’s. The FBI has already done an extensive investigation of the origins of and statements in the unproduced document and obtained no evidence to warrant prosecution. So now apparently the allegation is that if the Committee had had the document, it could have done a better job. Nothing in the Committee’s history indicates any truth in that statement.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 27, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building
Wednesday, July 26, 2000

Daily Digest

HIGHLIGHTS

House committees ordered reported 37 sundry measures

Senate

Chamber Action

Routine Proceedings, pages S7587–S7721

Measures Introduced: Twenty bills and two resolutions were introduced, as follows: S. 2922–2941, and S. Res. 343–344.

Measures Reported: Reports were made as follows:

- S. 1586, to reduce the fractionated ownership of Indian Lands, with an amendment in the nature of a substitute. (S. Rept. No. 106–361)
- H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the “Pamela B. Gwin Hall”.
- H.R. 1901, to designate the United States border station located in Pharr, Texas, as the “Kika de la Garza United States Border Station”.
- H.R. 1959, to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the “Adrian A. Spears Judicial Training Center”.
- H.R. 4608, to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the “James H. Quillen United States Courthouse”.
- S. 2253, to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes, with an amendment in the nature of a substitute.

Measures Passed:

- World Bank AIDS Prevention Trust Fund Act: Committee on Foreign Relations was discharged from further consideration of H.R. 3519, to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic, and the bill was then passed, after agreeing to the following amendment proposed thereto:

  Bennett (for Helms) Amendment No. 4018, in the nature of a substitute.

- Indian Land Consolidation Act Amendments: Senate passed S. 1586, to reduce the fractionated ownership of Indian Lands, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

  DeWine (for Campbell) Amendment No. 4019, in the nature of a substitute.

- Honoring Medal of Honor Recipients: Committee on Armed Services was discharged from further consideration of H. Con. Res. 351, recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor, and the resolution was then agreed to.

- Semipostal Authorization Act: Senate passed H.R. 4437, to grant to the United States Postal Service the authority to issue semipostals, clearing the measure for the President.

- Fugitive Apprehension Act: Senate passed S. 2516, 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, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

  DeWine (for Thurmond) Amendment No. 4020, to impose nondisclosure requirements.

- Treasury/Postal Service Appropriations: Senate began consideration of H.R. 4871, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001.

  Pages S7590–S7619, S7624–29
During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 97 yeas (Vote No. 227), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to the bill, listed above.

PNR for China: Senate began consideration of the motion to proceed to the consideration of H.R. 4444, to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China, and to establish a framework for relations between the United States and the People’s Republic of China.

A motion was entered to close further debate on the motion to proceed to the consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, July 28, 2000, or by unanimous consent, may occur on Thursday, July 27, 2000.

Subsequently, the motion to proceed was withdrawn.

Intelligence Authorization: Senate continued consideration of the motion to proceed to the consideration of S. 2507, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

During consideration of this measure today, Senate also took the following action:

By 96 yeas to 1 nay (Vote No. 228), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to the bill, listed above.

A unanimous-consent agreement was reached providing for the adoption of the motion to proceed to consideration of the bill, to occur on Thursday, July 27, 2000.

Energy/Water Development Appropriations—Agreement: A unanimous-consent agreement was reached providing for a vote on the motion to close further debate on the motion to proceed to the consideration of H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, to occur at approximately 11:30 a.m., on Thursday, July 27, 2000.

Defense Appropriations Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of the conference report to H.R. 4576, making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, on Thursday, July 27, 2000, with a vote on adoption of the conference report to occur at 3:15 p.m.

Tribal Self-Governance Amendments: Senate agreed to the amendments of the House to the Senate amendment to H.R. 1167, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, clearing the measure for the President.

Appointment:

Commission on the National Military Museum: The Chair, on behalf of the Democratic Leader, and in consultation with the ranking member of the Senate Committee on Armed Services, pursuant to Public Law 106–65, announced the appointment of Alan L. Hansen, AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

Authority for Committees: All committees were authorized to file legislative reports during the adjournment of the Senate on Friday, August 25, 2000, from 11:00 a.m. to 1:00 p.m.

Messages from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Twenty-first Annual Report of the Federal Labor Relations Authority for fiscal year 1999; to the Committee on Governmental Affairs. (PM–122)

Nominations Confirmed: Senate confirmed the following nomination:

Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Science, Department of Energy. (New Position)

Nominations Received: Senate received the following nominations:

Geoff Bacino, of Illinois, to be a Member of the National Credit Union Administration Board for the term of six years expiring August 2, 2005.

David Z. Plavin, of New York, to be a Member of the Federal Aviation Management Advisory Council for a term of one year. (New Position)

Edward E. Kaufman, of Delaware, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Alberto J. Mora, of Florida, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2003. (Reappointment)

Sue Bailey, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.

3 Air Force nominations in the rank of general.

16 Army nominations in the rank of general.
2 Marine Corps nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Nominations Withdrawn:

Senate received notification of the withdrawal of the following nomination:

John R. Simpson, of Maryland, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment), which was sent to the Senate on July 19, 1999.

Messages From the President:

Pages S7653–54

Messages From the House:

Pages S7655–56

Measures Referred:

Pages S7654

Measures Placed on Calendar:

Pages S7654

Communications:

Pages S7654–55

Executive Reports of Committees:

Pages S7655

Statements on Introduced Bills:

Pages S7655–67

Additional Cosponsors:

Pages S7689–90

Amendments Submitted:

Pages S7694–7703

Authority for Committees:

Pages S7703–04

Additional Statements:

Pages S7651–53

Privileges of the Floor:

Page S7704

Record Votes: Two record votes were taken today. (Total—228)

Adjointment: Senate convened at 9:31 a.m., and adjourned at 8:04 p.m., until 9:30 a.m., on Thursday, July 27, 2000. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S7720.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL SUGAR PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Committee concluded oversight hearings to review U.S. sugar policy and the federal sugar program, after receiving testimony from Senators Dorgan, Breaux, and Abraham; Representatives Mink and Dan Miller; August Schumacher, Jr., Under Secretary of Agriculture for Farm and Foreign Agricultural Services; Carol Brick-Turin, CBT Consulting, Annandale, Virginia; Ira S. Shapiro, Long, Aldridge and Norman, on behalf of the Coalition for Sugar Reform, Arthur S. Jaeger, Consumer Federation of America, John E. Frydenlund, Citizens Against Government Waste, Nicholas Kominus, United States Cane Sugar Refiners’ Association, Shannon A. Esteno, on behalf of the Everglades Coalition and World Wildlife Fund, and Lindsay McLaughlin, International Longshore and Warehouse Union, all of Washington, D.C.; Thomas A. Hammer, Sweetener Users Association, Falls Church, Virginia; Mark D. Perry, Florida Oceanographic Society, Stuart, Florida; Ray VanDriessche, Bay City, Michigan, on behalf of the American Sugarbeet Growers Association; James J. Horvath, American Crystal Sugar Company, Moorhead, Minnesota; E. Alan Kennett, Gay and Robinson, Kamakani, Hawai’i; Jack F. Lay, Refined Sugars, Inc., Yonkers, New York; and David Orden, Virginia Polytechnic Institute Department of Agricultural and Applied Economics, Blacksburg.

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Donald Mancuso, of Virginia, to be Inspector General, Department of Defense, Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness, and James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, after the nominees testified and answered questions in their own behalf. Mr. Kallock was introduced by Senator Voinovich.

BROADBAND INTERNET REGULATION

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 2902, to revise the definition of advanced service, which focuses on high-speed broadband Internet access and advanced services market issues, after receiving testimony from J. Shelby Bryan, ICG Communications, Inc., Englewood, Colorado; James D. Ellis, SBC Communications, Inc., San Antonio, Texas; Arne L. Haynes, Rainier Group, Eatonville, Washington; Robert Taylor, Focal Communications, Chicago, Illinois, on behalf of the Association for Local Telecommunications Services; Sue Ashdown, XMission, Salt Lake City, Utah, on behalf of the American Internet Service Providers Association; Thomas J. Duesterberg, Manufacturers Alliance/MAPI, Inc., Arlington, Virginia; James K. Glassman, American Enterprise Institute, on behalf of the TechCentralStation.com, and Peter Pitsch, Intel Corporation, on behalf of the Information Technology Industry Council, both of Washington, D.C.; and Eric Strumingher, Paine Webber, New York, New York.

NATURAL GAS SUPPLY

Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine America’s status of natural gas supplies in light of rapidly increasing demand, after receiving testimony from David J. Hayes, Deputy Secretary of the Interior; T.J. Glauthier, Deputy Secretary, and Mary J. Hutzler, Director, Office of Integrated Analysis and
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the President to review approximately 40 million acres of national forest lands for increased protection, focusing on conserving and enhancing the important social and ecological values of roadless areas within the National Forest System, after receiving testimony from James R. Furnish, Deputy Chief, National Forest System, Forest Service, Department of Agriculture.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 2417, to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, with amendments;

S. 1109, to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera;

S. 2878, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903;

H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the “Pamela B. Gwin Hall”;

H.R. 1901, to designate the United States border station located in Pharr, Texas, as the “Kika de la Garza United States Border Station”;

H.R. 1959, to designate the Federal building located at 743 East Durango Boulevard in San Antonio, Texas, as the “Adrian A. Spears Judicial Training Center”;

H.R. 4608, to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the “James H. Quillen United States Courthouse”; and

The nominations of Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development, and Ella Wong-Rusinko, of Virginia, to be Alternate Federal Co-chairman of the Appalachian Regional Commission.

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade, Jonathan Talisman, of Maryland, to be Assistant Secretary of the Treasury for Tax Policy, Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury, and Lisa Gayle Ross, of the District of Columbia, to be Assistant Secretary of the Treasury for Management and Chief Financial Officer, after the nominees testified and answered questions in their own behalf. Mr. LaRussa was introduced by Representative Levin, and Ms. Thomas was introduced by Representative Gejdenson.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

An original bill to authorize assistance for international malaria control, and to provide for coordination and consultations in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis;

S. 2253, to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system, with an amendment in the nature of a substitute;

S. Con. Res. 131, commemorating the 20th anniversary of the workers’ strikes in Poland that led to the creation of the independent trade union Solidarnosc, with amendments;

S. Res. 334, expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G-8 countries, with amendments;

Inter-American Convention for the Protection and Conservation of Sea Turtles, with Annexes, done at Caracas December 1, 1996, (the “Convention”), which was signed by the United States, subject to ratification, on December 13, 1996. (Treaty Doc. 105-48), with three understandings, five declarations, and two provisos;

Food Aid Convention 1999, which was opened for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1999. Convention was signed by the United States June 16, 1999. (Treaty Doc. 106-14), with three declarations, and one proviso;
Convention (No. 176) Concerning Safety and Health in Mines, adopted by the International Labor Conference at its 82nd Session in Geneva on June 22, 1995. (Treaty Doc. 106–8), with two understanding, two declarations, and two provisos; and

The nominations of Richard A. Boucher, of Maryland, to be Assistant Secretary of State for Public Affairs, Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development, and Michael G. Kozak, of Virginia, to be Ambassador to the Republic of Belarus.

PUBLIC INTEREST DECLASSIFICATION

Committee on Governmental Affairs: Committee concluded hearings on S. 1801, to provide for the identification, collection, and review for declassification of records and materials that are of extraordinary public interest to the people of the United States, after receiving testimony from Senator Moynihan; Representative Goss; Steven Garfinkel, Director, Information Security Oversight Office, National Archives and Records Administration; R. James Woolsey, Shea and Gardner, former Director of Central Intelligence, and Steven Aftergood, Federation of American Scientists, both of Washington, D.C.; and Warren F. Kimbal, Rutgers University, Newark, New Jersey.

MT. CARMEL COMPLEX REPORT

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings on the interim report to the Attorney General concerning the 1993 confrontation at the Mt. Carmel Complex, after receiving testimony from former Senator John C. Danforth, Special Counsel, Department of Justice.

AMERICANS WITH DISABILITIES

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the progress made since the enactment the Americans with Disabilities Act ten years ago, focusing on progress made toward eliminating segregation, discrimination, and exclusion of people with disabilities from the benefits and opportunities afforded to other citizens, after receiving testimony from Judith E. Heumann, Assistant Secretary of Education for Special Education and Rehabilitative Services; Rebecca L. Ogle, Executive Director, Presidential Task Force on Employment of Adults with Disabilities; Peggy R. Mastroianni, Associate Legal Counsel, Equal Employment Opportunity Commission; Elizabeth Savage, Counsel to the Acting Assistant Attorney General, Civil Rights Division, Department of Justice; Melanie Fry, Minnesota Department of Human Services, St. Paul, Barbara Judy, Job Accommodation Network, Morgantown, West Virginia, and Santiago Rodriguez, Microsoft Corporation, Redmond, Washington, all on behalf of the President’s Committee on Employment of People with Disabilities; Mia Peterson, Capabilities Unlimited, Inc., Cincinnati, Ohio, on behalf of the National Down Syndrome Society; Deborah Lisi-Baker, Vermont Center for Independent Living, Montpelier; Jonathan F. Kessel, Washington, D.C.; John Pak, Greenbelt, Maryland; and Jesse Leaman, Laurel, Maryland.

HEALTH CARE DISPARITIES

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health concluded hearings to examine health care disparities among women, minorities, and rural under-served populations, and the actions of the National Institutes of Health to address these disparities, as well as review any relevant legislation designed to address the issues of health disparities, after receiving testimony from Representatives Watts, John Lewis, and Jackson; Ruth L. Kirschstein, Acting Director, National Institutes of Health, Department of Health and Human Services; Louis W. Sullivan, Morehouse College School of Medicine, Atlanta, Georgia, on behalf of the Association of Minority Health Professions Schools; John Maupin, Meharry Medical College, Nashville, Tennessee; Elena Rios, on behalf of the Hispanic-Serving Health Professions Schools, Inc., and National Hispanic Medical Association, and Phyllis Greenberger, Society for Women’s Health Research, both of Washington, D.C.; and Gilbert H. Friedell, University of Kentucky Markey Cancer Center, Lexington, on behalf of the Intercultural Cancer Council.

BUSINESS MEETING

Committee on Small Business: Committee ordered favorably reported S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958, with an amendment in the nature of a substitute.

BUSINESS MEETING

Select Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, with an amendment in the nature of a substitute;

S. 2872, to improve the cause of action for misrepresentation of Indian arts and crafts; and

H.R. 2647, to amend the Act entitled “An Act relating to the water rights of the Ak-Chin Indian Community” to clarify certain provisions concerning the leasing of such water rights.
INDIAN GAMING ACTIVITIES
Select Committee on Indian Affairs: Committee concluded oversight hearings to examine the activities of the National Indian Gaming Commission which monitors and regulates certain forms of gaming conducted by Indian tribes on Indian lands, after receiving testimony from Montie R. Deer, Chairman, National Indian Gaming Commission; Richard G. Hill, National Indian Gaming Association, Washington, D.C.; Delores Pigsley, Confederated Tribes of Siletz Indians, Siletz, Oregon; and Tracy Burris, Oklahoma Indian Gaming Association, Durant.

AUTHORIZATION—INDIAN HEALTH CARE IMPROVEMENT ACT
Select Committee on Indian Affairs: Committee resumed hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act, receiving testimony from John J. Callahan, Assistant Secretary of Health and Human Services for Management and Budget; Melissa McNiel, Cherokee Nation, Tahlequah, Oklahoma; Barbara Namias, North American Indian Center of Boston, Inc., Jamaica Plain, Massachusetts, on behalf of the National Council of Urban Indian Health; and Virginia Hill, Southern Indian Health Council, Inc., Alpine, California, on behalf of the Southern California Tribal Chairmen's Association, Inc.
Hearings recessed subject to call.

House of Representatives

Chamber Action
Reports Filed: Reports were filed today as follows.
H.R. 4678, to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, amended (H. Rept. 106–793, Pt. 1); and
H. Res. 564, providing for consideration of the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits (H. Rept. 106–795).

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Ose to act as Speaker pro tempore for today.

Suspensions: The House agreed to suspend the rules and pass the following measures debated on July 25:
Bulletproof Vest Partnership Grants: H.R. 4033, amended, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests (passed by a yea and nay vote of 413 yeas to 3 nays, Roll No. 439); and

Postponed Illegal Pornography Prosecution: H.R. 4710, to authorize appropriations for the prosecution of obscenity cases (passed by a yea and nay vote of 412 yeas to 4 nays, Roll No. 440).

Trade Waiver for Vietnam: The House failed to pass H.J. Res. 99, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam by a yea and nay vote of 91 yeas to 332 nays, Roll No. 441.

District of Columbia Appropriations: The House completed general debate and began considering amendments to H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001.

Agreed To:
Istook amendment No. 1 printed in H. Rept. 106–790 that makes available $100,000 for Metrorail construction;
Points of Order Sustained Against:
Moran amendment No. 12 printed in the Congressional Record that sought to strike Section 164 dealing with the District of Columbia Health and Hospitals Public Benefit Corporation;
Norton amendment No. 22 printed in the Congressional Record that sought to strike all of the General Provisions in the bill;
Moran amendment No. 13 printed in the Congressional Record that sought to strike sections 128 and 129 dealing with the granting of preferences in the use of surplus school properties to public charter schools and modifications of contracting requirements;
Section 153 that sought to specify funding from the National Highway System;
Amendments Offered:
Souder amendment No. 2 printed in H. Rept. 106–790 that seeks to prohibit the use of any funding for needle exchange programs; and

Norton amendment No. 23 printed in the Congressional Record that seeks to strike Section 168 that specifies that the Health Insurance Coverage for Contraceptives Act of 2000 shall not take effect.

Order of Business—District of Columbia Appropriations: Agreed that during further consideration of H.R. 4942, no amendment shall be in order except pro forma amendments offered by the Chairman or ranking member of the Committee on Appropriations or their designees for the purpose of debate, the amendments printed in H. Rept. 106–790, and amendments No. 23 and 13 printed in the Congressional Record.

DOD Authorizations—Send to Conference: The House disagreed with the Senate amendment to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001 and agreed to a conference.

Representative Taylor of Mississippi offered a motion to instruct conferees to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents of the House bill. Further proceedings on the motion were postponed.

Presidential Message—Federal Labor Relations Authority: Read a letter from the President wherein he transmitted the 21st Annual Report of the Federal Labor Relations Authority for fiscal year 1999—referred to the Committee on Government Reform.

Recess: The House recessed at 7:40 p.m. and reconvened at 11:28 p.m.

Quorum Calls—Votes: Four yea and nay votes developed during the proceedings of the House today and appear on pages H7008–09, H7009, H7020, and H7026. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 11:30 p.m. stands in recess until 7 a.m. on Thursday, July 27.

Committee Meetings
FEDERAL FARM POLICY
Committee on Agriculture: Concluded hearings to review federal farm policy. Testimony was heard from public witnesses.

NATIONAL ENERGY STRATEGY
Committee on Appropriations: Subcommittee on Interior held a hearing on National Energy Strategy. Testimony was heard from the following officials of the Department of Energy: Mark J. Mazur, Administrator, Energy Information Administration; Robert Kripowicz, Principal Deputy Assistant Secretary, Fossil Energy; and Dan Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy; William Keese, Chairman, Energy Commission, State of California; and F. William Valentino, President, Energy Research and Development Authority, State of New York.

MISCELLANEOUS MEASURES
Committee on Commerce: Ordered reported, as amended, the following bills: H.R. 4541, Commodity Futures Modernization Act of 2000; and H.R. 3250, Health Care Fairness Act of 1999.

SCIENTIFICALLY BASED EDUCATION RESEARCH, STATISTICS, EVALUATION, AND INFORMATION ACT

OVERSIGHT—COMPUTER SECURITY
Committee on Government Reform: Subcommittee on Government Management, Information and Technology held an oversight hearing on Computer Security: Cyber Attacks—War Without Borders. Testimony was heard from the following officials of the Department of Justice: Michael Vatis, Director, National Infrastructure Protection Center, FBI; and Edgar A. Adamson, Chief, U.S. National Central Bureau-Interpol; the following officials of the Department of Defense: Richard C. Schaeffer, Jr., Director, Infrastructure and Information Assurance, Office of the Assistant Secretary (Command, Control, Communication, and Intelligence); and Mario Balakgie, Chief Information Assurance Officer, Defense Intelligence Agency; Jack Brock, Director, Government-wide and Defense Information Systems, GAO; and public witnesses.
COMBATTING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans’ Affairs and International Relations held a hearing on Combating Terrorism: Assessing Threats, Risk Management and Establishing Priorities. Testimony was heard from Norman Rabkin, Director, National Security and International Affairs Division, GAO; Ambassador L. Paul Bremer, III, Chairman, National Commission on Terrorism; Raphael F. Perl, Specialist in International Affairs, Congressional Research Service, Library of Congress; and public witnesses.

The Subcommittee also met in executive session to hold a hearing on this subject. Testimony was heard from departmental witnesses.

INTERNATIONAL CRIMINAL COURT

Committee on International Relations: Concluded hearings on The International Criminal Court: Recent Developments, Part 11. Testimony was heard from David Scheffer, Ambassador-at-Large, War Crimes Issues, Department of State; and Walter Slocombe, Under Secretary, Policy, Department of Defense.

U.S. RELATIONS WITH BRAZIL

Committee on International Relations: Subcommittee on Western Hemisphere held a hearing on U.S. Relations with Brazil: Strategic Partners or Regional Competitors? Testimony was heard from Linda Eddleman, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State; and public witnesses.

MISCELLANEOUS MEASURES


MISCELLANEOUS MEASURES


The Committee also considered but deferred action on H.R. 4125, to provide a grant under the urban park and recreation recovery program to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio.

SOCIAL SECURITY BENEFITS TAX RELIEF ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 4865, Social Security Benefits Tax Relief Act of 2000. The rule waives all points of order against the bill and against its consideration. The rule provides that the amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a
substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative Pomeroy or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided between the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Archer and Representatives Kanjorski, Pomeroy, Green of Texas and Capuano.

MISCELLANEOUS MEASURES


MISCELLANEOUS MATTERS

Committee on Transportation and Infrastructure: Ordered reported the following measures: S. 1794, to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the “Clifford P. Hansen Federal Courthouse”; H.R. 2163, amended, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the “Ted Weiss United States Courthouse”; H.R. 3378, amended, Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 1999; and H.R. 4104, amended, Mississippi Sound Restoration Act of 2000.

The Committee also approved the following: GSA Courthouse Construction Program for fiscal year 2001; an Out-of-cycle Lease prospectus; an 11 (b) Resolution; an Out-of-cycle repair and alteration prospectus; and Corps of Engineer survey resolutions.

Joint Meetings

APPROPRIATIONS—LABOR, HEALTH, HUMAN SERVICES, AND EDUCATION

Conferees continued to meet to resolve differences between the Senate and House passed versions of 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, but did not complete action thereon, and will meet again tomorrow.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D822)

S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture. Signed July 25, 2000. (P.L. 106–248)

COMMITTEE MEETINGS FOR THURSDAY, JULY 27, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Special Committee on Aging: to hold hearings to examine staff shortages for nursing home residents, 9:30 a.m., SD–628.

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to review proposals to establish an international school lunch program, 9 a.m., SH–216.

Committee on Commerce, Science, and Transportation: to hold hearings to examine antitrust issues in the airline industry, focusing on trends in the industry, the impact that a reduction of competitors might have on competition and concentration levels at hubs, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings on the United States General Accounting Office’s investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 1734, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York; S. 2638, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; and S. 2848, to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico, 2:30 p.m., SD–366.

Select Committee on Intelligence: to hold closed hearings on the nomination of John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence, 3:30 p.m., SH–219.

Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition, business meeting to mark up S. 2778, to amend the Sherman Act to make oil-producing and exporting cartels illegal, 9:30 a.m., SD–226.

Full Committee, business meeting to consider pending calendar business, 11:30 a.m., Room to be announced.

Subcommittee on Criminal Justice Oversight, to hold hearings to examine the lack of standardization and training in protecting Executive Branch officials, 2 p.m., SD–226.
Committee on Veterans' Affairs: business meeting to mark up pending legislation, and the nomination of Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs; and Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary for Health of the Department of Veterans Affairs, 10 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on Livestock and Horticulture, hearing to review illegal activities at the Hunts Point Marketing Terminal, 10 a.m., 1300 Longworth.


Committee on the Budget, hearing on Understanding Intergenerational Economic Issues, 10 a.m., 210 Cannon.


Committee on Government Reform, hearing on "Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department,” 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, to mark up H.R. 2906, Sudan Peace Act, 2:30 p.m., 2255 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 4105, Fair Justice Act of 2000, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, oversight hearing on Constitutional Rights and the Grand Jury, 1 p.m., 2237 Rayburn.


Subcommittee on Immigration and Claims, to mark up the following: H.R. 4548, Agricultural Opportunities Act; and private immigration bills, 10 a.m., 2226 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on implementation of the Hydrographic Services Improvement Act of 1998, 9:30 a.m., 1334 Longworth.

Subcommittee on Water and Power, hearing on the following measures: H.R. 2820, to provide for the owner-ship and operation of the irrigation works on the Salt River Pima-Maricopa Indian Community’s reservation in Maricopa County, Arizona, by the Salt River Pima-Maricopa Indian Community; H.R. 2988, Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 1999; H.R. 4013, Upper Mississippi River Basin Conservation Act of 2000; S. 1778, to provide for equal exchanges of land around the Cascade Reservoir; and the Bureau of Reclamation Law Enforcement, 2 p.m., 1334 Longworth.

Committee on Science, Subcommittee on Basic Research and the Subcommittee on Energy and Environment, joint hearing on The State of Ocean and Marine Science, 2 p.m., 2318 Rayburn.

Committee on Small Business, to mark up the following: H.R. 4890, Small Business Contract Equity Act of 2000; H.R. 4897, Equity in Contracting for Women Act of 2000; the Small Business Competition Act of 2000; and other pending business, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the Trend Towards Criminalization of Aircraft Accidents, 9:30 a.m., 2167 Rayburn.

Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Oversight of Total Maximum Daily Loads (TMDL) Initiatives, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on patient safety and quality management in the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the Foreign Sales Corporation Replacement Act of 2000, 10:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Department of Energy/Los Alamos Update, 1 p.m., and, executive, briefing on Intelligence Collection Issues, 3 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees continues on 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, 2 p.m., Room to be announced.

Commission on Security and Cooperation in Europe: to hold hearings to examine Yugoslav President Slobodan Milosevic’s recent efforts to perpetuate his power by forcing through changes to the Yugoslav constitution and cracking down on opposition and independent forces in Serbia, 9:30 a.m., 2255, Rayburn Building.
Next Meeting of the SENATE
9:30 a.m., Thursday, July 27

Senate Chamber

Program for Thursday: Senate will begin a period of morning business (not to extend beyond 11 a.m.), for Senators to offer statements in memory of the late Senator Paul Coverdell.

At 11 a.m., Senate will swear in Zell Miller, of Georgia, to fill the vacancy caused by the death of Senator Coverdell; following which, Senate will adopt the motion to proceed to the consideration of S. 2507, Intelligence Authorization, if pending, and vote on the motion to close further debate on the motion to proceed to the consideration of H.R. 4733, Energy and Water Development Appropriations.

Also, following the cloture vote, Senate will consider the conference report to H.R. 4576, Defense Appropriations, with a vote on adoption of the conference report to occur at 3:15 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, July 27

House Chamber

Program for Thursday: Consideration of H.R. 4942, District of Columbia Appropriations for Fiscal Year 2001; and

Consideration of the conference report on H.R. 4516, Legislative Branch Appropriations (subject to a rule).

Extensions of Remarks, as inserted in this issue

House proceedings for today will be continued in the next issue of the Record.

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